

EXHIBIT 18

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SECURITIES INVESTOR PROTECTION)
CORPORATION,)
)
Plaintiff,) Adv. Pro. No.
)
v.) 08-01789 (SMB)
)
BERNARD L. MADOFF INVESTMENT) SIPA Liquidation
SECURITIES LLC,)
) (Substantively
Defendant.) Consolidated)
)
In re:)
)
BERNARD L. MADOFF,)
)
Debtor.)
)
IRVING H. PICARD, Trustee for)
the Liquidation of Bernard L.)
Madoff Investment Securities) Adv. Pro. No.
LLC,) 10-04562 (SMB)
Plaintiff,)
)
v.)
)
ROBERT F. FERBER,)
)
Defendant.)
-----X

VIDEOTAPED DEPOSITION OF ROBERT FOXWELL FERBER
Towson, Maryland
Tuesday, June 20, 2017; 10:01 a.m.

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR,
CCR, CLR, RSA, LiveDeposition Authorized Reporter

1 Tuesday, June 20, 2017

2 10:01 a.m.

3

4

5 VIDEOTAPED DEPOSITION OF ROBERT FOXWELL

6 FERBER held at the law offices of:

7

8

9

10 Royston, Mueller, McLean & Reid, LLP

11 102 W. Pennsylvania Avenue

12 Towson, Maryland 21204

13

14

15

16 Pursuant to notice, before Cindy L. Sebo,

17 Registered Merit Reporter, Certified Real-Time

18 Reporter, Registered Professional Reporter,

19 Certified Shorthand Reporter, Certified Court

20 Reporter, Certified LiveNote Reporter, Real-Time

21 Systems Administrator, LiveDeposition Authorized

22 Reporter, and a Notary Public in and for the

23 State of Maryland.

24

25

1 A P P E A R A N C E S:

2 For the Trustee Irving H. Picard:

3 PETER B. SHAPIRO, ESQUIRE
4 ROBERTSON BECKERLEGGE, ESQUIRE (Via Telephone)
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8 212.589.4200
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12 For the Witness:

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15 465 Park Avenue
16 New York, New York 10022
17 888.759.1114
18 jallim@chaitmanllp.com
19

20 ALSO PRESENT:

21 FRANKLIN SEARS, VIDEOGRAPHER
22
23
24
25

1 - - -

2 I N D E X

3 - - -

4 WITNESS PAGE

5 ROBERT FOXWELL FERBER

6 By Mr. Shapiro 11

7

8 - - -

9 E X H I B I T S

10 - - -

11 FERBER
DEPOSITION

12 EXHIBITS DESCRIPTION PAGE

13 Number 1 Customer Agreement, Bates
14 stamped AMF00264935 through
15 AMF00264937 27

16 Number 2 Customer Claim, Bates
17 stamped MWPTAP00509210
18 through MWPTAP00509222 37

19
20 Number 3 Responses and Objections of
21 Defendant Robert F. Ferber
22 to Trustee's First Set of
23 Requests for Production of
24 Documents 39

25

1 - - -

2 E X H I B I T S (Continued)

3 - - -

4 FERBER
DEPOSITION

5 EXHIBITS DESCRIPTION PAGE

6 Number 4 Defendant Robert F. Ferber's
7 Responses and Objections to
8 Trustee's First Set of
9 Interrogatories

45

10 Number 5 Verification 46

11

12 Number 6 Answer and Affirmative
13 Defenses

55

14 Number 7 BLMIS account statement,
15 Bates stamped

16 MADC0114_00000002 63

17

18 Number 8 Letter, Ferber to Madoff
19 Securities, December 1,
20 2000, Bates stamped

21 AMF00264926 73

22

23

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| 1 | - - - | | |
| 2 | E X H I B I T S (Continued) | | |
| 3 | - - - | | |
| 4 | FERBER | | |
| | DEPOSITION | | |
| 5 | EXHIBITS | DESCRIPTION | PAGE |
| 6 | Number 9 | Copy of Check Number 113263, | |
| 7 | | Bates stamped MADWAA00141126 | |
| 8 | | MADWAA00141127 | 74 |
| 9 | | | |
| | Number 10 | Fidelity Investment Report, | |
| 10 | | December 1, 2000 to December | |
| 11 | | 31, 2000, Bates stamped | |
| 12 | | FMR_SIPC_141105 through | |
| 13 | | FMR_SIPC_141109 | 77 |
| 14 | | | |
| 15 | Number 11 | Letter, Ferber to Pascali, | |
| 16 | | March 29, 2007, Bates | |
| 17 | | stamped AMF00264913 | 78 |
| 18 | | | |
| | Number 12 | Copy of Check Number 183386, | |
| 19 | | Bates stamped MADWAA00266636 | |
| 20 | | MADWAA00266637 | 79 |
| 21 | | | |
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| 1 | - - - | | |
| 2 | E X H I B I T S (Continued) | | |
| 3 | - - - | | |
| 4 | FERBER | | |
| | DEPOSITION | | |
| 5 | EXHIBITS | DESCRIPTION | PAGE |
| 6 | Number 13 | Fidelity Investment Report, | |
| 7 | | April 1, 2007 to April 30, | |
| 8 | | 2007, Bates stamped | |
| 9 | | FMR_SIPC_141105 through | |
| 10 | | FMR_SIPC_141109 | 80 |
| 11 | Number 14 | Letter, Ferber to Pascali, | |
| 12 | | September 29, 2008, Bates | |
| 13 | | stamped AMF00264912 | 83 |
| 14 | | | |
| 15 | Number 15 | Copy of Check Number 200467, | |
| 16 | | Bates stamped MADWAA00284983 | |
| 17 | | through MADWAA00284984 | 84 |
| 18 | Number 16 | Fidelity Investment Report, | |
| 19 | | October 1, 2008 to October | |
| 20 | | 31, 2008, Bates stamped | |
| 21 | | FMR_SIPC_141494 through | |
| 22 | | FMR_SIPC_141499 | 85 |
| 23 | | | |
| 24 | | | |
| 25 | | | |

1 - - -

3 - - -

| 5 | EXHIBITS | DESCRIPTION | PAGE |
|---|----------|-------------|------|
|---|----------|-------------|------|

| | | |
|---|-------------------------|----|
| 8 | 10-04562_Ferber_0001024 | 86 |
|---|-------------------------|----|

12 10-04562_Ferber_0001020 through
10-04562_Ferber_0001022 87

25

1 P R O C E E D I N G S

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Towson, Maryland

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Tuesday, June 20, 2017; 10:01 a.m.

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THE VIDEOGRAPHER: We are now on

7

the record. Today is Tuesday, June the

8

20th, 2017, and the time is 10:01 a.m.

9

My name is Franklin Sears, the

10

video -- the video technician for --

11

in association with Bendish Reporting.

12

This deposition is being held

13

in the office of Royston, Mueller,

14

McLean & Reid, LLP, the location, 2 --

15

I'm sorry -- 102 West Pennsylvania

16

Avenue, Towson, Maryland 21204.

17

The caption of this case is

18

Securities Investor Protection

19

Corporation versus Bernie L. Madoff

20

Investment Securities LLC, filed in

21

the United -- United States Bankruptcy

22

Court, Southern District of New York.

23

Adversary Proceeding Number is

24

08-01789 (SMB).

25

The name of the witness is

1 Robert Ferber.

2 At this time, the attorneys
3 will identify themselves and the
4 parties they represent, and
5 then -- identify the people you
6 represent.

7 MR. SHAPIRO: Okay.

8 Peter Shapiro, with BakerHostetler. I
9 represent the trustee, Irving Picard.

10 MR. BECKERLEGGE: Robertson
11 Beckerlegge from Baker & Hostetler for
12 the trustee.

13 MS. ALLIM: Jennifer Allim from
14 Helen Davis Chaitman LLP for the
15 witness, Robert Ferber.

16 THE VIDEOGRAPHER: And the court
17 reporter, Cindy Sebo, will swear in the
18 witness.

19 - - -

20 ROBERT FOXWELL FERBER,
21 after having been first duly sworn, was
22 examined and testified as follows:

23 - - -

24 THE VIDEOGRAPHER: The
25 deposition will now begin.

1 - - -

2 EXAMINATION BY COUNSEL FOR THE TRUSTEE

3 - - -

4 BY MR. SHAPIRO:

5 Q. Good morning, Mr. Ferber. My
6 name is Peter Shapiro. I'll be taking your
7 deposition today regarding the adverse
8 proceeding captioned Picard v. Ferber. As
9 you've heard my colleague, Rob Beckerlegge,
10 who is on the phone, we both represent the
11 trustee in this adversary proceeding.

12 I'll be asking you a series of
13 questions. If at any time I ask a question that
14 you don't understand, please let me know. I'll
15 do my best to rephrase it or repeat it. And
16 please don't guess at your answers. You know,
17 if you don't know, that's a perfectly acceptable
18 answer.

19 A. Okay.

20 Q. As you can see, your -- your
21 testimony is being transcribed by the court
22 reporter, so you need to answer my questions
23 verbally. Please say yes or no and not just
24 nod your head.

25 A. Right.

1 Q. Also, in order for the reporter
2 to accurately take down everything that's
3 said, I will ask that you wait until I finish
4 asking my question before you start answering.
5 And I'll do my best to wait until you finish
6 answering before I ask my -- my next question.

7 If you need a break at any time,
8 please let me know. I just ask that if there's
9 a question pending, you finish your response
10 before -- before we take a break.

11 Your counsel may object to certain
12 questions that I ask, but unless your counsel
13 directs you not to answer, you must answer the
14 question.

15 So throughout the deposition, I'm
16 going to be, you know, asking you questions
17 about Bernard L. Madoff Investment Securities.
18 I will refer to this entity as "BLMIS" just for
19 convenience. If I'm talking about Bernard L.
20 Madoff as a person, I'll refer to him as
21 "Mr. Madoff" or "Madoff." And if I use the term
22 "transfer" today, I'm simply referring to money
23 that either you deposited or withdrew from your
24 BLMIS account --

25 A. Um-hum.

1 Q. -- which is 1CM5 -- -524.

2 There's a litigation protective
3 order that governs this case. The purpose of
4 the order is to protect the confidentiality of
5 certain documents and evidence. I -- I provided
6 a copy of the order to your counsel before this
7 first began.

8 Can you confirm that you signed
9 the protective order?

10 A. No, I don't know if I did or not.

11 Q. Okay. I will just need you to
12 read aloud one section. This is -- this is
13 Section 10(f) of the litigation protective
14 order.

15 A witness at any deposition in the
16 actions or Rule 2004 examination and such
17 witness's counsel provided that before providing
18 any confidential material to any witness or
19 counsel pursuant to this subparagraph: (1) The
20 party intending to disclose the confidential
21 material (the noticing party) shall make a
22 good-faith effort to provide notice of its
23 intent to use the confidential material to the
24 producing party and any party to whom the
25 confidential material relates at least four

1 days -- four business days prior to the
2 deposition and in all instances shall provide
3 such notice at least two business days prior to
4 the deposition; (2) Such notice shall include
5 the name of the deponent to whom the noticing
6 party intends to disclose the confidential
7 material, the date and time of the deposition,
8 and the Bates range for all confidential
9 material to be disclosed; (3) If the producing
10 party objects to the -- the disclosure of
11 confidential material, the producing party must
12 notify the noticing party in writing prior to
13 the deposition and simultaneously request an
14 informal conference with the Court, and a
15 noticing party shall not be permitted to
16 disclose the confidential material to any
17 witness absent a court order or consent of the
18 producing party; and (4), All witnesses and
19 their counsel shall be provided with a copy of
20 this order and shall thereafter be bound by this
21 order. Counsel taking the deposition or
22 Rule 2004 examination shall designate all
23 portions of the transcript relating to the
24 confidential material as confidential.

25 Okay.

1 Do you -- do you have any
2 questions about that?

3 A. No.

4 Q. Okay. Have you ever been
5 deposed before?

6 A. Yes.

7 Q. Do you remember when?

8 A. Years ago -- that's why it took me
9 a while -- relating to a patent troll --
10 basically a trolling suit.

11 Q. Okay. And that -- that involved
12 your company, the --

13 A. Right --

14 Q. Okay.

15 A. -- yeah.

16 Q. And do you recall what -- what
17 subjects you testified about?

18 A. About GPS tracking patent.

19 Q. Okay. And have you ever test --
20 testified at trial before?

21 A. No.

22 Q. And have you ever given any
23 testimony or been interviewed in connection
24 with Madoff fraud?

25 A. When you say "interviewed," what

1 do you mean?

2 Q. Have -- have -- have you been
3 called to testify in any case?

4 A. No.

5 Q. Have you been quoted in any
6 articles or broadcasts regarding the Madoff
7 fraud?

8 A. Yeah, I think there has been an
9 article, again, many years ago --

10 Q. Okay.

11 A. -- a -- a blurb that was, you
12 know, written about me and -- and Madoff, that's
13 all.

14 Q. Okay. Did you remember what
15 publication that was or . . .

16 A. The Baltimore Sun papers, or Sun,
17 some Sun something.

18 Q. Right.

19 And do -- do you remember --
20 excuse me.

21 Do you remember when that was?

22 A. 2000- -- it's a guess, 2009.

23 Q. Okay. Okay. Are you taking any
24 medication that may impair your ability to
25 answer questions accurately today?

1 A. No.

2 Q. Are you taking any medication
3 that might affect your memory?

4 A. No.

5 Q. And do you understand that --
6 that in this deposition, you're under oath the
7 same that you would be at a trial?

8 A. Right.

9 Q. Is there any reason that you
10 will not be able to answer the questions
11 truthfully --

12 A. No.

13 Q. -- or accurately?

14 A. Correct.

15 Q. What did you -- what did you do
16 to prepare for today's deposition?

17 A. Really, not much, to tell -- I
18 mean, I'm here to listen and answer your
19 questions. I don't know the questions you're
20 asking me, so . . .

21 Q. Okay. Did -- did you review any
22 documents?

23 A. Yeah.

24 Q. Which -- what documents did you
25 look at?

1 A. I reviewed -- I could pull them up
2 on my computer, or just from memory, like,
3 deposits and withdrawal statement, a -- maybe it
4 was called an affidavit, from my accountant;
5 and, you know, an e-mail that encompassed those
6 attachments from my attorney.

7 Q. Okay.

8 A. That's it.

9 Q. Okay. And -- and -- and those
10 documents helped you refresh your recollection
11 about the -- you know, the Madoff fraud and --
12 and your -- your account and . . .

13 A. Maybe -- maybe marginally so.

14 Q. Okay. And do you know if -- if
15 all of those documents have been -- have been
16 produced in this case?

17 A. I'm sorry?

18 Q. Do you know if all those
19 documents that you looked at -- have they been
20 produced in this case? Do you know?

21 A. What do you mean "produced"?

22 Q. Have -- have -- have you given
23 them -- given them to your counsel?

24 A. Counsel would have them because
25 you-all produced them --

1 Q. Okay.

2 A. -- so . . .

3 Q. Okay.

4 A. -- I have to assume, right?

5 Q. Okay. And have you spoken to --

6 have you spoken to anyone else about today's

7 testimony?

8 A. My wife maybe. You mean relating

9 to the case or personally?

10 Q. Relating to the case.

11 A. Oh, no one that -- other than my

12 attorney --

13 Q. Okay.

14 A. -- right.

15 Q. Okay. And when did you speak to

16 your attorney?

17 A. Well, yesterday, but one other

18 time -- are you talking about relating to the

19 deposition --

20 Q. Yes.

21 A. -- or are you talking about in

22 total?

23 Q. No, just relating to the

24 deposition.

25 A. Yeah.

1 So yesterday and then last week
2 sometime.

3 Q. Okay. And so what -- what
4 was -- that's all right. Never mind.

5 Okay. So can you just please
6 state your full name for the record?

7 A. Robert Foxwell Ferber.

8 Q. And are you known by any other
9 names, other than that?

10 A. No.

11 Q. And what is your date of birth?

12 A. 9/7/58.

13 Q. And for the record, what is your
14 home address?

15 A. 1807 Circle Road, Towson, Maryland
16 21204.

17 Q. Can you please state your
18 educational history starting from after high
19 school?

20 A. Well, I have a Bachelor's degree
21 in economics and finance, and I started a
22 Master's -- an MBA degree, but moved to New York
23 and didn't finish.

24 Q. Okay. And where -- where is
25 your Bachelor's degree from?

1 A. From Towson State University -- or
2 now Towson University.

3 Q. Okay. And do you -- do you
4 remember the date that you got that -- when
5 you graduated?

6 A. Well, 1981, so I don't know the
7 month --

8 Q. Okay.

9 A. -- yeah.

10 Q. And -- and -- and any other
11 degrees or certificates or . . .

12 A. Not of any relevance.

13 Q. Are you currently employed?

14 A. Yes.

15 Q. And what is your position or
16 title?

17 A. President of CargoTel,
18 Incorporated.

19 Q. And how long have you been in
20 that position?

21 A. Time adds up, so 14 -- 14 years,
22 thereabouts.

23 Q. And that's how long you've been
24 with the company is --

25 A. Right. Yeah.

1 Q. Okay. And before that, did
2 you -- what was your position before that?

3 A. I was with E-Loan. It's a -- it's
4 an online mortgage company.

5 Q. And what was your position
6 there?

7 A. Senior vice president.

8 Q. Okay. And do you -- do you --
9 do you recall how -- when -- when you started
10 there?

11 A. No, but I was there two years. It
12 would have been right before CargoTel, so
13 roughly do the math.

14 Q. Okay. And then before E-Loan?

15 A. Car -- well, it would be EVRI,
16 Incorporated, had a -- a -- it traded under the
17 name of a couple products, which would be
18 CarFinance.com, which was one of them.

19 Q. Okay. And I guess regarding
20 your -- your current -- your current position,
21 what -- what are your sort of day-to-day
22 responsibilities?

23 A. Well, it's to oversee CargoTel
24 more on a financial standpoint than a day-to-day
25 management standpoint, and I'm focused on a -- I

1 would call it a division of -- of CargoTel and
2 getting that up and running, so most of my
3 effort is spent there.

4 Q. Okay. So why don't we move over
5 to -- to BLMIS?

6 When did you first hear about
7 Bernie Madoff or BLMIS?

8 A. I guess it would be in 1990 --
9 well, I -- I was -- I had worked in New York,
10 and I -- you know, it was a pretty large
11 market-making company, so when you say "first
12 heard of," I knew the name back many years prior
13 to my involvement.

14 Q. Um-hum. And so who first
15 introduced you to -- to BLMIS?

16 A. Yeah. See, that's a -- that's a
17 difficult one, because I associated
18 Bernie Madoff company with the trading, right,
19 stock trade -- stock -- you know, market-maker
20 business, so when you say that, it's a little
21 bit misleading because I really knew about the
22 trading operation many years ago, and then I
23 was -- or I learned, I guess I -- I should say,
24 about the investment arm. I guess it would be
25 1997.

1 Q. Okay. And you mean the
2 investment advisory business when you say
3 that?

4 A. Right.

5 Q. And -- and who introduced you to
6 that, or how did you learn about the
7 investment advisory business?

8 A. A investor in our company, and
9 they had mentioned to me, oh, there's, you know,
10 this -- it really -- again, I'm not focused on
11 the exact names, right, but I viewed them as a
12 broker, so they -- well, they -- they were a
13 broker, so it's not -- that's an accurate
14 statement.

15 So I was introduced to
16 Bernard Madoff Brokerage, right, and -- and then
17 I heard that he had sort of a -- this -- this
18 low-risk -- I guess you call it a split
19 strike -- or, you know, people referred to it as
20 different things, but where you hedge in theory,
21 obviously, hedging the -- the, you know, stock
22 purchases with, you know, puts and, you know,
23 that sort of thing.

24 Q. Okay. And -- and who was that
25 investor who introduced you?

1 A. It was Michael Pascucci.

2 Q. And you just knew him because he

3 was an --

4 A. He was an --

5 Q. -- investor in your company at

6 the time?

7 A. -- investor.

8 Right, exactly.

9 Q. Okay. And so -- so why did you
10 decide to invest with BLMIS?

11 A. Right. I guess what -- what I
12 just said, in that it was a hedged investment
13 portfolio that was made up of blue-chip stocks
14 that were hedged in some way where you would not
15 get a return that was as great as, say, if you
16 had all your money in the market but your
17 volatility would be lower --

18 Q. So --

19 A. -- so --

20 Q. I'm sorry. Go ahead.

21 A. -- so that's what I was -- what's
22 why -- I mean --

23 Q. Okay.

24 A. -- to answer your question, that's
25 why I had invested.

1 Q. So -- so the strategy appealed
2 to you?

3 A. Right.

4 Q. Did you -- did you speak with
5 anyone at BL- -- at BLMIS before you invested?

6 A. I may have. It would have been a
7 short conversation. It was not Bernard Madoff.
8 Like, I remember that. But I think I did speak
9 to someone, but it was more operational than it
10 was investment philosophy --

11 Q. And do you --

12 A. -- like, how to transfer, you
13 know, how to get an account open.

14 Q. And do you recall -- you don't
15 recall who that was?

16 A. No.

17 Q. Okay. And do you recall in
18 those discussions if there was, you know, a
19 minimum investment requirement or any other
20 investment requirements that . . .

21 A. I recall it was a million dollars.
22 That may not have been an actual number, but
23 that's what I recall it was. And maybe that's
24 what was assumed it -- it was. I -- I -- you
25 know.

1 Q. And did you receive any
2 materials from -- from BLMIS before you
3 invested?

4 A. Yeah, I think it was just your --
5 like, a basic package, and that included an
6 agreement that you sign to -- to start an
7 account. So -- it's -- it's -- you know, I just
8 can't remember -- I remember getting something,
9 but I can't remember the content, other than
10 part of it was an agreement --

11 Q. Okay.

12 A. -- and I don't have those
13 documents, and I don't -- you know . . .

14 Q. Did you ever speak or meet with
15 Madoff?

16 A. No.

17 Q. So let's -- you mentioned that
18 there was an agreement.

19 MR. SHAPIRO: I'm going to --
20 I'm going to ask that this be marked as
21 Exhibit 1.

22 - - -

23 (Ferber Deposition Exhibit Number
24 1, Customer Agreement, Bates
25 stamped AMF00264935 through

1 AMF00264937, marked for
2 identification, as of this
3 date.)

4 - - -

5 BY MR. SHAPIRO:

6 Q. Have you seen this document
7 before?

8 A. This is probably the document that
9 I was referring to. I don't remember -- I
10 don't -- I just don't remember it. Has that --
11 but I can say that that's my signature. At
12 least, it certainly appears to be.

13 Q. Okay. So -- so this looks like
14 the customer agreement you were -- you were
15 referring to?

16 A. Right. Um-hum.
17 And does that -- I'm sorry.
18 Does that -- do we have a copy of
19 that or . . .

20 Q. It was -- it was --

21 A. -- can we --

22 Q. -- it was produced to your
23 counsel, yes.

24 A. Okay. So I have it. Okay. I
25 just want to make a note to that.

1 Okay.

2 Q. And -- excuse me.

3 Did you communicate with anyone at
4 BLMIS about transfers in -- into and out of your
5 account?

6 A. Well, that call that I was
7 referring to was really more about that than it
8 was anything else.

9 Q. Um-hum. I mean, but over --
10 over the course of your investment with --
11 with BLMIS, did you ever communicate with
12 anybody, you know, in terms of withdrawals or
13 deposits?

14 A. Yeah, both withdrawal -- both
15 deposits and withdrawals. Again, I just can't
16 remember who it was, you know. I can't remember
17 how many times; I can't remember who. It wasn't
18 very often --

19 Q. Okay.

20 A. -- but I don't know who, when and
21 how many times.

22 Q. And was it by phone?

23 A. By phone, and then I believe at
24 least once, maybe a letter, fax -- you know, a
25 letter that was signed and faxed, or something

1 along those lines.

2 Q. Okay. And do you -- when --
3 when you communicated by -- by fax or letter,
4 did you -- do you recall any -- that you were
5 instructed to direct it to anybody in
6 particular's attention or . . .

7 A. Now that you bring that up, I
8 think I -- I think -- yeah, I shouldn't say, I'm
9 not sure. I -- I do remember a name, but I just
10 can't remember the name, right --

11 Q. Okay.

12 A. -- but, yeah, to answer your
13 question, yes, but I just can't remember who.

14 Q. Okay. And what -- what -- what
15 was the nature of your communication with
16 them?

17 A. The only -- yeah, the only time I
18 communicated with them I'm quite certain is for
19 deposits or withdrawals, to add money to the
20 account or withdraw money from the account. I
21 don't think I had any other communication.

22 Q. Okay. So you never talked to
23 them about strategy or how it was working, or
24 anything like that?

25 A. No, in part because I got trading

1 slips; I got -- I got monthly statements; I had
2 enough of a background in -- in finance to
3 understand, you know, the philosophy and -- and
4 how it worked.

5 Did I ever have a question
6 about -- I -- I can't recall, but there wasn't
7 much communication. The communication was --
8 entirely or almost entirely revolved around
9 deposits, withdrawals; maybe one question, but I
10 can't remember.

11 Q. And what types of documents did
12 you receive from BLMIS?

13 A. You mean relating to withdrawals
14 and deposits, or in total?

15 Q. In general.

16 A. Oh, okay.

17 The primary documents were trading
18 confirmation slips that would come in the mail,
19 you know, daily or weekly or whenever, and then
20 a monthly statement, and then a yearly tax
21 document.

22 Q. Was there any other
23 correspondence or . . .

24 A. I can't -- I mean, that -- I --
25 I -- you know, it's like a stock -- you know, I

1 probably threw it away if there was.

2 Q. All right.

3 And did -- did you review the
4 confirmations?

5 A. You mean each -- no.

6 Q. Okay. And did you review the --
7 your -- your monthly statement?

8 A. Yes, I -- I would say I reviewed
9 it.

10 Did I look at each line item
11 religiously? No --

12 Q. Okay.

13 A. -- but I did -- I did make sure,
14 you know, the -- the amounts seemed right and,
15 you know, the things seemed to be in balance.
16 Let's put it that way.

17 Q. Okay. And did you keep copies
18 in your personal records?

19 A. As far as I'm aware, I have
20 sent -- well, basically, I have sent everything
21 that I'm aware of to you-all -- or actually to
22 my attorney, who then forwarded it to you-all.

23 Q. All right. And did you give
24 copies to an accountant?

25 A. Copies of all that stuff?

1 Q. Yeah.

2 A. Well, each -- there's two
3 different things. The -- what I was just
4 telling you about is all one big lump, right?

5 The accountant every -- during tax
6 season, I would take -- you know, I have a file,
7 obviously. I have a file of all the trading
8 slips, a file of the statements and the tax
9 document. And I would send that along with, of
10 course, all my other tax documents to the
11 accountant. And the accountant would prepare my
12 tax return.

13 Q. All right. Did counsel ask you
14 to search for documents when you -- when you
15 engaged counsel?

16 A. Search for documents, I don't know
17 if that's the right word. But they said that if
18 I have any documents, to produce them --

19 Q. Okay. And --

20 A. -- and that's what I did.

21 Q. And as you said, you -- you gave
22 all those to your counsel?

23 A. Right, um-hum.

24 Q. So I wonder, have you -- have
25 you ever heard of COMAD?

1 A. COMAD?

2 No, I don't think so.

3 Q. Okay. And you said

4 Mike Pascucci introduced you to BLMIS.

5 Do you have an understanding of

6 where he worked or how he heard of BLMIS?

7 A. No, I don't.

8 Q. Okay. So do you know

9 Richard Spring?

10 A. I'm sorry, say --

11 Q. Richard Spring.

12 A. Hum-um, no.

13 Q. No?

14 And are you aware if anyone earned

15 a fee or a commission for referring you to BLMIS

16 or . . .

17 A. No.

18 Q. Okay. Okay.

19 So when did you first hear that

20 BLMIS was a fraud?

21 A. Well, I don't know the exact day,

22 but it was probably the day after it came out in

23 the news, so whenever that was.

24 Q. And how did you find out?

25 A. I found out, I guess, through the

1 paper -- you know, reading the paper.

2 Q. And once you heard the news,
3 what steps did you take with -- with respect
4 to your account?

5 A. Well, after I -- after I picked
6 myself off the floor, well, there really wasn't
7 much in the way of steps to take. I -- you
8 know, I mean, this gets into the -- kind of the
9 heart of the matter.

10 I did, and I still -- still do,
11 believe that it's an insured stock brokerage
12 account, and SIPC is supposed to insure
13 \$500,000. And I assumed my worst-case scenario
14 would be I would get a check from SIPC for
15 \$500,000 and I would end up with, you know, a
16 loss and, you know, write off at least part of
17 that -- at least part of that loss and what the
18 net, you know -- that's -- that was going
19 through -- that's what was going through my
20 head.

21 Q. Okay. Did you try to contact
22 anyone at BLMIS and -- and --

23 A. No.

24 Q. -- after -- okay.

25 A. It's obvious, based upon the news,

1 that that would be a futile effort.

2 Q. Did you file a claim with the
3 trustee for your -- for the BLMIS account?

4 A. Yes.

5 Q. And did anyone assist you in
6 filing the claim?

7 A. Yeah, I guess my attorney, I
8 believe, reviewed that before -- I'm pretty sure
9 counsel did review that before I filed it.

10 Q. Okay. Do you recall how many
11 times you -- you spoke with counsel --

12 A. In total?

13 Q. -- regarding your claim?

14 No, regarding your claim.

15 A. Well, when you say "spoke" to,
16 counsel may send a general e-mail and -- and
17 communicate that way, so versus, like, literally
18 speaking.

19 So right, so I'm not sure how to
20 answer that.

21 Q. Okay. I -- I mean, how many
22 times did you communicate with counsel
23 specifically regarding your claim?

24 A. Regarding the claim part?

25 Q. Yeah.

1 A. I don't know how many times, but a
2 few.

3 Q. Okay. And do you recall what
4 you did to prepare the claim?

5 A. It was a form, and I filled out
6 the form, pretty straightforward, so . . .

7 Q. Did -- did you review any
8 documents?

9 A. Oh, yeah, um-hum.

10 Q. And which documents were those?

11 A. Well, documents that I sent to
12 you -- not all of them, but, right.

13 Q. So -- so your customer
14 statements and joint confirmations?

15 A. Right. I had to dig through --
16 you know, go up in the attic.

17 MR. SHAPIRO: I'm going to ask
18 that this be marked as Exhibit 2.

19 - - -

20 (Ferber Deposition Exhibit Number
21 2, Customer Claim, Bates stamped
22 MWPTAP00509210 through
23 MWPTAP00509222, marked for
24 identification, as of this
25

1 date.)

2 - - -

3 BY MR. SHAPIRO:

4 Q. Have you seen this document
5 before?

6 A. Yeah. Um-hum.

7 Q. And what -- what is that
8 document?

9 A. Customer claim.

10 Q. Okay. And on Page 4, is that --
11 is that your signature?

12 A. Uh-huh.

13 Q. And do you know the result of
14 filing the claim?

15 A. What does that mean?

16 Q. Do you know if the -- the
17 trustee accepted or denied liability?

18 A. Oh, I -- I see. Declined the
19 claim, right.

20 MR. SHAPIRO: So I'm going to
21 ask that --

22 THE WITNESS: It's not a
23 paperless society, is it?

24 (Laughter.)

25 MR. SHAPIRO: I'm going to --

1 I'm going to ask that this be marked as
2 Exhibit Number 3.

3 - - -

4 (Ferber Deposition Exhibit Number
5 3, Responses and Objections of
6 Defendant Robert F. Ferber to
7 Trustee's First Set of Requests
8 for Production of Documents,
9 marked for identification, as of
10 this date.)

11 - - -

12 BY MR. SHAPIRO:

13 Q. Okay. Do you recognize that
14 document?

15 (Whereupon, the witness reviews
16 the material provided.)

17 THE WITNESS: Yeah -- yeah, I
18 think I remember -- I mean, it's -- I'm
19 not -- yeah, I mean, I -- I -- I
20 remember seeing something like this.

21 BY MR. SHAPIRO:

22 Q. Okay. If you can just read the
23 name of the document just for the record.

24 A. Yeah.

25 Q. I think it's at the top of

1 the -- the second page.

2 A. Oh.

3 Responses and Objections of
4 Defendant Robert F. Ferber to Trustee's First
5 Set of Request for Production of Documents.

6 Q. Okay. Did you speak with your
7 counsel regarding this document?

8 A. I would imagine so. I -- I would
9 imagine so. I -- I don't -- when you say,
10 again, speaking, if that means e-mailing back
11 and forth or, you know, verbal communication,
12 I -- I can't recall, but I -- I -- I really just
13 vaguely remember this document, so, you know.

14 Q. Okay. So you don't recall any
15 specifics about your communication with
16 counsel or how many times or . . .

17 A. No.

18 Q. Okay. And what steps did you
19 take to identify any responsive documents that
20 you may have -- that you may have had in
21 providing these responses?

22 A. What steps did I -- well, is this
23 a document that I saw and then sent all my
24 information shortly thereafter to you-all?

25 I don't know -- you know what I'm

1 saying? I don't know what the timing -- I don't
2 know what the date is on this versus -- but,
3 anyway, I can -- maybe I can answer the question
4 this way, that -- that I guess there was this
5 document, but I had all my documents up in the
6 attic, and when I needed to produce them, I just
7 went up to the attic; I packaged them all up;
8 and I sent them off.

9 Q. Okay. So -- so you'll see in
10 Trustee's Requests 1, 2, 7, 9 and 10 that your
11 response indicated that -- that any such
12 documents will be -- will -- will be produced.

13 So have you -- have you
14 produced --

15 A. I mean, I produced everything that
16 I have. So I don't need to really review it.

17 Q. Okay.

18 Okay. And so can you please read
19 Document Request Number 3, as well as your
20 response.

21 A. Is that on Page 2 or . . .

22 Q. It's -- no, sorry. Yeah, sorry,
23 it's --

24 A. Oh, yeah.

25 Three, Your bank and brokerage

1 records, for the period between and including
2 December 11th, 2006 and December 31st, 2009, for
3 any accounts that received initial transfers,
4 including monthly statements, cancelled checks
5 and incoming/outgoing wire transfer records.

6 Q. Okay. And could you read your
7 response?

8 A. Oh.

9 Three, Does not dispute the
10 deposits and withdrawals in the period, as I
11 just outlined. Therefore, the trustee has no
12 legitimate interest in bank records for this
13 period. However, if responding party has any
14 such records, radicated [sic] records will be
15 produced --

16 Q. Okay. So --

17 A. -- I don't know exactly what that
18 means, but okay.

19 Q. Is it true that you admit the
20 deposits and withdrawals, you know, from --
21 from and to your BLMIS account from the period
22 December 11th, 2006 to --

23 MS. ALLIM: Objection.

24 Objection.

25 THE COURT REPORTER: Pardon?

1 THE WITNESS: She said

2 "objection."

3 MS. ALLIM: Objection.

4 MR. SHAPIRO: What -- what's the
5 basis of your objection?

6 MS. ALLIM: Objection to form.

7 BY MR. SHAPIRO:

8 Q. Okay. Is it true that you admit
9 the deposits and withdrawals from December 11,
10 2006 through December 11, 2008?

11 A. Didn't she say I'm supposed to
12 object to that?

13 You know, that box is not really
14 clear.

15 Q. It's not --

16 MR. SHAPIRO: Counsel, are you
17 directing the witness not to answer?

18 MS. ALLIM: Yeah, you can answer
19 the question. I'm objecting to the
20 form of the question, how he phrased
21 the question to you.

22 THE WITNESS: I'm sorry. Say it
23 again.

24 MR. SHAPIRO: So you -- could
25 you say the last part again?

1 You kind of -- the -- the
2 speaker isn't terribly good in here.

3 MS. ALLIM: Yeah. I'm objecting
4 to the form of the question in how
5 counsel phrased the question to you,
6 but you can proceed to answer.

7 THE WITNESS: I'm sorry. Say it
8 again.

9 MS. ALLIM: I'm sorry. Okay. I
10 said I objected to the form of the
11 question. Counsel asked if you admit
12 the deposits and withdrawals, so your
13 response says that responding party
14 does not dispute the deposits and
15 withdrawals in the period from
16 December 11th, 2006 to December 11th,
17 2008.

18 Therefore, I objected to the
19 form of the question in which counsel
20 asked, but you can answer the question
21 to the best of your knowledge.

22 THE WITNESS: Say it again.

23 BY MR. SHAPIRO:

24 Q. Okay. So --

25 MS. ALLIM: Can you rephrase the

1 question for him?

2 MR. SHAPIRO: I -- I --

3 THE WITNESS: Yeah, he did once.

4 MR. SHAPIRO: I understand.

5 BY MR. SHAPIRO:

6 Q. So is it true that you're not
7 disputing the deposits and withdrawals to and
8 from your BLMIS account from the period
9 December 11th, 2006 to December 11th, 2008?

10 THE WITNESS: And, Jennifer,
11 that's okay to answer how he's phrased?

12 MS. ALLIM: Yeah.

13 THE WITNESS: Correct, I do not
14 dispute.

15 MR. SHAPIRO: I'm going to ask
16 that this be marked as
17 Exhibit Number 4.

18 - - -

19 (Ferber Deposition Exhibit Number
20 4, Defendant Robert F. Ferber's
21 Responses and Objections to
22 Trustee's First Set of
23 Interrogatories, marked for
24 identification, as of this
25

1 date.)

2 - - -

3 BY MR. SHAPIRO:

4 Q. Do you recognize this document?

5 (Whereupon, the witness reviews

6 the material provided.)

7 THE WITNESS: Yeah, um-hum, I

8 remember this.

9 BY MR. SHAPIRO:

10 Q. Can you just read -- read the
11 name of that document just for the record.

12 A. Um-hum.

13 Defendant Robert F. Ferber's
14 Responses and Objections to Trustee's First Set
15 of Interrogatories.

16 Q. Thank you.

17 MR. SHAPIRO: I'm going to ask
18 that this be marked as Exhibit
19 Number 5.

20 - - -

21 (Ferber Deposition Exhibit Number
22 5, Verification, marked for
23 identification, as of this
24 date.)

25 - - -

1 THE WITNESS: Am I finished with
2 this? Or just hold on to it?

3 BY MR. SHAPIRO:

4 Q. Hold on to that --

5 A. Okay.

6 Q. -- and just -- so on

7 Exhibit Number 5, is that your signature?

8 A. Yeah.

9 Q. Okay. And do you recall
10 reviewing these responses?

11 A. On this first sheet (indicating)?

12 Q. Yes.

13 A. Yeah, I believe so, yes.

14 Q. Okay. Could you please read
15 Interrogatory Number 2 as well as your answer?

16 A. Identify the reasons for -- is
17 that what you're talking about?

18 Q. Um-hum.

19 A. Answer -- well, let me -- identify
20 the reasons for each transfer. Answer:
21 Withdrawals were indirectly reinvested into
22 BLMIS through a Tremont fund and not used for
23 the benefit of the account holder and,
24 therefore, not calculable withdrawals. Other
25 withdrawals were taken to pay applicable

1 Texas -- taxes on reported short-term capital
2 gains in the account for living expenses of the
3 responding party.

4 Q. Okay. So do you know what --
5 what "indirectly reinvested into BLMIS through
6 a Tremont fund" means?

7 A. Well, this would -- you know, this
8 would have pertained to my first withdrawal -- I
9 can't remember the year, but long -- yeah, like
10 2000 or -- or you have a -- and I can remember
11 taking some of the money there and basically
12 diversifying my investment and that's -- I mean,
13 that has to be what -- what I'm referring to
14 there.

15 Q. Okay. And so -- when -- when
16 did you begin investing with Tremont?

17 A. I wish I had the exact year, I --
18 I -- so maybe 2001, thereabout --

19 Q. Okay.

20 A. -- I could get an exact date, but
21 just off the top of my head . . .

22 Q. Okay. And do you remember which
23 fund it was because there --

24 A. There's much -- I'm sorry.
25 There's market neutral fund, yeah, and --

1 something Technology. I can't remember the name
2 of it anymore. Yeah. It was a fund name.

3 Q. Okay. Did you know, at the
4 time, that Tremont was invested with BLMIS?

5 A. No. Hardly anything to laugh at,
6 but, yeah, unfortunately, I got double-whammied.

7 Q. Okay. Do -- do you recall how
8 much you invested with them?

9 A. Again, I'd have to go back and get
10 the numbers.

11 You're probably aware the
12 investment in Tremont is a 100 -- is not
13 100 percent in Madoff. They, I guess -- I'm not
14 sure how much you're aware.

15 So I don't -- I can't recall how
16 much it was, and it -- but it was a very long
17 time ago, and I actually -- this -- this market
18 neutral fund, I didn't withdraw any money. In
19 fact, I gave them notice when things were -- in
20 2008 that I wanted to close the account, but
21 what happened was before the account was closed
22 out, this whole Madoff thing, you know, came
23 about, and then I never got my money back from
24 the -- from Tremont.

25 And then this market neutral --

1 market neutral fund -- I think that's what it's
2 called -- they then liquidated over a period of
3 time. And then, I ended up getting the
4 worst-case scenario, where I did not withdraw
5 any money out of the market neutral fund. And
6 then the trustee reached an agreement with
7 Tremont, and they basically took my money and
8 other people's money that were in the account to
9 pay the trustee.

10 So I not only didn't withdraw
11 money from that account, but got clawed back to
12 that account, and that account has subsequently
13 been closed. In fact, I just got a -- a notice
14 which was rather disheartening, to tell you the
15 truth, because that gives me the impression that
16 I'm not seeing any future recoveries.

17 I mean, why else would they close
18 it?

19 Q. So did you -- you just made that
20 one initial investment with Tremont?

21 A. No, I -- see, I wish I -- I didn't
22 concentrate on Tremont because I didn't think
23 this was part of the conversation. So I don't
24 really know the dates. But, you know, I -- I
25 can't answer it, because I just don't know when

1 and how much, but I could answer that if I did
2 some research.

3 Q. Okay. So with respect to
4 the -- the withdrawal that you took and then
5 invested in Tremont, how did that -- you --
6 you requested a check from BLMIS made out to
7 you, correct, and then you took that and
8 invested in -- into Tremont; is that correct?

9 A. Well, I wouldn't -- well, first of
10 all, I don't know if it was a check. Maybe it
11 was. I -- I can't recall how it was
12 actually distributed. You would probably, I
13 assume, have that -- those records.

14 And I wouldn't say the money went
15 from there to here -- you know, it didn't work
16 that way. It was just that I had monies to
17 invest; I didn't want to have too much of a
18 concentration in Madoff; and it was more of a
19 redistribution, portfolio balancing-type thing.
20 So I didn't view that the monies directly went
21 from Madoff and then directly into -- to
22 Tremont. It just didn't work that way.
23 That's -- that would be misleading to imply it
24 did.

25 Q. Understood.

1 Okay. Going -- so going back to
2 your answer, to Interrogatory Number 2, can you
3 please explain what "not used for the benefit of
4 the account holder" means?

5 A. I can't -- I just can't remember
6 that sentence, and it -- I -- no, I'm not sure
7 what that means.

8 Q. Okay. Was -- was the -- was the
9 Tremont account in your name?

10 A. Yes.

11 Q. Okay. So would you please turn
12 to Interrogatory Number 4, so just below
13 there --

14 A. Um-hum.

15 Q. -- on the same page?

16 You state that you cannot identify
17 deposits into the account.

18 In answering this, did you take
19 any steps to determine whether you could or
20 could not identify any deposits?

21 A. Yeah. I mean, I -- I didn't have
22 cancelled checks. I didn't have -- I -- I just
23 can't remember the form. I think that -- that
24 maybe I had received a wire, but I'm not
25 certain. I remembered receiving a check, but I

1 didn't really have much in the way of records
2 associated with that.

3 Q. Okay. And did you speak with
4 anyone -- other than counsel, did you speak
5 with anyone, like an accountant or a banker,
6 or anything like that?

7 A. No.

8 Q. So if you could turn to
9 Interrogatory 7 and 8.

10 You -- you state that the taxing
11 authorities benefited from withdrawals, and that
12 you paid taxes based on the short-term capital
13 gains that Madoff --

14 A. Um-hum.

15 Q. -- reported each year.

16 Which taxing authorities were
17 these?

18 A. Well, IRS, and then whatever state
19 I was living in at the time.

20 Q. Okay. And in -- in which years
21 were they paid?

22 A. Well, every year that I had a --
23 well, ever since I'm 16. But every year that I
24 had the Madoff account, I paid taxes on those --
25 on the income.

1 Q. Okay. So which withdrawals from
2 your BLMIS account were made for the purposes
3 of paying taxes?

4 A. Again, that's a -- it's not like a
5 left-pocket/right-pocket thing. You -- you --
6 obviously, you have to make payments to the IRS,
7 so I would take money and make that payment.
8 And, obviously, if -- if I kept paying taxes on
9 the Madoff income, I would need to withdraw
10 monies to pay taxes because it would nec- -- you
11 know, necessitate it. But it wasn't like, Oh,
12 I'm withdrawing X dollars from Madoff to pay X
13 amount in taxes.

14 You -- you follow me?

15 Q. I do.

16 A. There was an indirect correlation.

17 Q. Okay. So -- so you -- you --
18 you couldn't show, you know, for example, that
19 a certain portion of this withdrawal was made
20 to -- was used to pay taxes?

21 A. No, just like anybody else,
22 frankly, you make a withdrawal; it goes into an
23 account; that account has other monies going in
24 and out; and then come tax time, you make a
25 payment to IRS and the state. And that's what

1 occurred here.

2 Q. Okay.

3 MR. SHAPIRO: I'm going to ask
4 that this be marked as Exhibit 6.

5 - - -

6 (Ferber Deposition Exhibit Number
7 6, Answer and Affirmative
8 Defenses, marked for
9 identification, as of this
10 date.)

11 - - -

12 BY MR. SHAPIRO:

13 Q. Okay. Do you recognize that
14 document?

15 (Whereupon, the witness reviews
16 the material provided.)

17 THE WITNESS: Yeah, I -- I
18 remember the size of it.

19 BY MR. SHAPIRO:

20 Q. And -- and what is it?

21 A. It's called -- whoops -- Answer
22 and Affirmative Defenses.

23 Q. Okay. Do you recall when you
24 first saw it?

25 A. No.

1 Q. Do you recall if you saw it
2 before August 13th, 2015?

3 A. No, I don't recall.

4 Q. Okay. Did -- did anybody ever
5 show it to you?

6 A. Well, I've seen it, so, obviously,
7 yeah.

8 Q. Okay. Were you involved
9 in -- in drafting or editing the answer in
10 this case?

11 A. Yeah, I mean, I -- I -- when you
12 say "drafting," no. I mean, this was my -- this
13 is counsel who was responding to this, but, of
14 course, obviously, I would have to go through
15 this to -- to identify what -- you know, some of
16 this, frankly, I remember reading it and saying,
17 you know, I really don't know what that means.
18 And I'd have to -- I'd have to literally go
19 through this to, you know -- you know, to answer
20 that question.

21 Q. But you -- you -- you --

22 A. I did look -- I did look at the
23 document. I did read each of these sort of
24 bullet points. Some of them I didn't really
25 know what the purpose was or the -- you know,

1 what it really meant, so . . .

2 Q. And did you speak with -- with
3 anyone regarding the document?

4 A. Yeah, um-hum.

5 Q. With counsel?

6 A. With counsel, right.

7 Q. Anyone else?

8 A. No.

9 Q. Okay. Do you recall how -- how
10 often you spoke with counsel about it?

11 A. About this specific document?

12 Q. Yeah, about the answer. Yeah.

13 A. Again, "speak" -- there was an
14 e-mail communication; I remember that. And then
15 there was a verbal communication. I believe it
16 was just those two times, where we basically
17 went through it. I responded, and then there
18 was a call.

19 That's it.

20 Q. Okay. Did you review any
21 documents -- excuse me -- to -- to confirm
22 that the statements in the answer were
23 correct?

24 A. I may have. I -- I just don't
25 recall.

1 Again, I would have to go through
2 the bullet points here to jog my memory if I --
3 what I did for any particular item to research
4 it. I -- so I can't answer that question
5 without actually going through the thing.

6 Q. Okay. So if you would turn to
7 Page 20 in Paragraph 16 at the bottom.

8 A. The Defendant is Entitled to
9 setoff --

10 Right?

11 Q. Yes. That one.

12 A. Do you want me to read it?

13 Q. Sure.

14 A. -- recoupment, and/or equitable
15 adjustment because each year Defendant was
16 required to pay taxes on the fictitious profits
17 reported on, among other things, IRS Form 1099
18 and other information reported by BLMIS or
19 Madoff to the IRS, state or local taxing
20 authorities.

21 Q. Okay. Do you know how much
22 money was paid in taxes based on, you know,
23 your BLMIS income in total?

24 A. Well, my accountant did an
25 analysis of that. You-all have all that

1 information, so that's what it is. You know --

2 Q. Okay. And did you file joint
3 returns, or did you file single --

4 A. Yeah, joint -- joint returns.

5 Q. So you -- you don't know
6 personally how much was paid to the IRS in,
7 say, 2007?

8 A. No, because, like you, if I asked
9 you at a particular -- you know, it's just not
10 an answerable question. You know, you -- you
11 don't pay income tax on a particular line item;
12 you pay income tax on a total number. And that
13 total number encompassed Madoff, salary, ba, ba,
14 ba, ba, ba.

15 Q. Have you retained an expert in
16 this case?

17 A. An expert?

18 Q. Um-hum.

19 A. What do you mean "expert"?

20 Q. An -- an -- an --

21 A. Like, an attorney?

22 Q. No, just an -- an expert
23 witness, say, about your -- your taxes or any
24 other matter.

25 A. No.

1 Q. Okay. Do you know if your
2 counsel did?

3 A. No -- about -- for me,
4 specifically?

5 Q. Yes.

6 A. I did -- I certainly doubt it.

7 Q. Okay. And are you familiar with
8 Charles Becker?

9 A. Yeah, um-hum.

10 Q. And who is he?

11 A. My accountant.

12 Q. And how long have you known him
13 for?

14 A. Well, a long time. He's been
15 doing my tax returns -- I think it was
16 probably -- now, I don't know the exact year,
17 but it was certainly from when I started Madoff
18 and probably sooner than that -- earlier than --
19 than that.

20 Q. And -- excuse me.

21 When did you start talking to him
22 with respect to this litigation?

23 A. Just when -- I don't know if we
24 got a letter or there was something where we
25 need to calculate what taxes we paid on Madoff

1 profits. So I asked him to do that for me. So
2 I don't know what date that was, but, you know,
3 it was just a -- a request of mine that I would
4 have him go in and -- and do that.

5 Q. So that request wasn't from
6 counsel; that was --

7 A. No.

8 Q. -- that was your request?

9 A. Right.

10 Q. So you've had discussions with
11 Mr. Becker regarding this litigation without
12 counsel being present?

13 A. No, not about litigation. The
14 only conversations I've had with him is really
15 relating to my taxes. I mean, he was aware,
16 obviously, that Madoff -- I was a Madoff client,
17 but he wasn't giving me any -- or getting any
18 advice, or anything like that. He was doing my
19 taxes, right.

20 Q. Right. But you had discussions
21 with him in terms of preparing, you know, his
22 tax analysis for this case?

23 A. Right, there wasn't much
24 discussion. I mean, it's -- he had all
25 my -- everything is on his computers. It's

1 broken down. You know, he knows what the Madoff
2 income is.

3 He has my accounting -- you know,
4 my tax returns, all the way back from, I guess,
5 you know, before Madoff. So I sent him an
6 e-mail, followed up the e-mail with a call, and
7 I said, Chuck, can you -- this is a situation; I
8 need to calculate, you know, this amount.

9 And I think he sort of did a
10 similar thing for the -- that first go -- you
11 know, that first go-around where -- you know,
12 I've forgotten what you call it, but when the
13 IRS had that ruling, right.

14 So I guess it's somewhat similar
15 to that.

16 Q. Okay. So let's turn to
17 Affirmative -- Affirmative Defense 20. It's
18 on the next page --

19 A. Uh-huh.

20 Q. -- and that states that the
21 trustee has fraudulently calculated
22 Defendant's liability by charging Defendant
23 with -- with withdrawals that the trustee has
24 no proof were taken.

25 With respect to the withdrawals

1 from your BLMIS account, which do you contend
2 that the trustee has no proof of?

3 A. Well, I don't know if I've ever
4 really gotten proof. I mean, I've gotten a
5 document -- I've gotten, like, a spreadsheet,
6 but that -- in my eyes, I can write up a
7 spreadsheet; that's not proof. Right?

8 You can say whatever you say, put
9 it on a spreadsheet, and send it to me.

10 That's all I have at this point.

11 Q. Okay. But you have --

12 Okay.

13 MR. SHAPIRO: So I'm going to
14 ask that -- that this be marked as
15 Exhibit 7.

16 - - -

17 (Ferber Deposition Exhibit Number
18 7, BLMIS account statement,
19 Bates stamped MADC0114_00000002,
20 marked for identification, as of
21 this date.)

22 - - -

23 THE WITNESS: Um-hum.

24 (Whereupon, the witness reviews
25 the material provided.)

1 THE WITNESS: BLMIS Account

2 Number -- I can't read it, but, you
3 know, my account number, Robert F.
4 Ferber.

5 BY MR. SHAPIRO:

6 Q. Do you recognize that document
7 at all?

8 A. Yeah, um-hum. I've gotten a copy
9 of this document from my -- from counsel.

10 Q. Okay. So that -- that's -- that
11 was the Exhibit B to the -- to the trustee's
12 complaint in this case --

13 A. Um-hum.

14 Q. -- and that -- you know, it --
15 it lists the withdrawals and deposits from
16 your account, 1CM524.

17 So regarding those, are -- are
18 there -- are there any withdrawals that you --
19 there that you contend that the trustee has no
20 proof of?

21 A. Well, I haven't seen like -- I --
22 I've never seen a check wire evidence. I've
23 never seen the check evidence. I'd like to be
24 able to see the actual checks that were cleared
25 on these accounts. I'd like to see the wire.

1 I'd like to see where the -- where the money
2 came from. That sort of thing.

3 Q. Okay. Well, we'll -- we'll be
4 doing that shortly --

5 A. Okay.

6 Q. -- and so -- so your -- your --
7 your contention is -- is based -- is simply
8 based on that you haven't seen the cancelled
9 checks or . . .

10 A. Right. Yeah.

11 Q. Okay.

12 A. Are we finished with this stuff?

13 Q. No, no.

14 Let's go to Defense Number 27.

15 And could you just read that
16 paragraph?

17 A. The trustee's claims are barred,
18 in whole or part, for failure to properly credit
19 inter-account transfers, profit withdrawals and
20 other adjustments.

21 Q. So are there any inter-account
22 transfers which you contend you did not
23 receive full credit for?

24 A. Inter-account transfer is when
25 there's maybe two Madoff accounts.

1 Is that -- I don't know what
2 inter-account transfers is.

3 I'm assuming that's what that
4 means. Right?

5 Q. Yeah. And, basically, if you
6 had -- you had one account and you add -- you
7 asked -- you asked BLMIS to transfer some
8 money from that account to another account
9 and --

10 A. Another --

11 Q. -- there was no check
12 involved --

13 A. -- Madoff account?

14 Q. -- or wire involved, yes.

15 A. I see.

16 I mean, no, I only have one
17 account, so, right. It's not applicable -- not
18 applicable.

19 Q. Okay. So you also state that
20 the trustee failed to properly credit profit
21 withdrawals.

22 What do you mean by that?

23 A. Yeah, I can't remember this line.
24 I mean, I'm reading it. I -- I just -- I don't
25 know -- you know --

1 Q. Okay.

2 A. -- I -- I just don't recall
3 reading it, so I'm not sure what it means.

4 Q. Okay. So -- so what is your
5 basis for disputing the trustee's
6 calculations?

7 THE WITNESS: Yeah, I --
8 Jennifer, I -- is there any problem
9 with answering that question? I mean,
10 I -- I -- I just don't recall this
11 Point Number 27, so . . .

12 MS. ALLIM: Sure. Objection.
13 He answered the question, he doesn't
14 recall.

15 BY MR. SHAPIRO:

16 Q. Okay. Can you identify any
17 transfers that are profit withdrawals?

18 A. I'm sorry. Say again.

19 Q. Can you identify any transfers
20 that are profit withdraw -- withdrawals?

21 A. No, not specifically.

22 I mean, is profit based on a FIFO
23 or LIFO basis? I mean, you could -- right? You
24 could get into different arguments about that,
25 so it sounds like an easy question, but it's

1 more difficult.

2 Q. Okay. So are you aware of any
3 documents showing that -- you know, that any
4 of these transfers were profit -- were profit
5 withdrawals?

6 A. No, again, I -- you know, the --
7 the term "profit withdrawal" is something that's
8 arguable in how you define it, but I had a stock
9 brokerage account. It said that I had a balance
10 of X amount and I take, you know, Y amount out
11 of it.

12 What is profit and what is
13 principal, I never really thought about. So,
14 you know, I don't know how to answer that
15 question.

16 Q. Okay. So why don't we turn
17 to Paragraph 37?

18 A. Um-hum.
19 Am I supposed to read it?

20 Q. Yeah, sure --

21 A. Oh, okay.

22 Q. -- that would be great.

23 A. The withdrawals the trustee seeks
24 to recover were legally compelled under federal
25 and state securities laws.

1 Q. Okay. To which laws are you
2 referring there?

3 A. This is another one I can't
4 recall, this -- this blurb.

5 Q. Were you required to withdraw
6 any amounts from your BLMIS account at any
7 time?

8 A. As a practical matter, to pay
9 taxes and things like that, that's a legal -- I
10 mean, otherwise, you know, I'm -- I'm -- then
11 I'm acting illegally, so I don't know.

12 Q. Okay. But the -- these -- these
13 weren't compelled under -- under the
14 securities laws?

15 A. I don't know anything about
16 securities laws to answer that question,
17 so . . .

18 That's a -- that's a legal
19 sentence that your typical investor would not be
20 able to answer. You -- you would need to know
21 security laws to be able to answer that --

22 Q. Okay.

23 A. -- it's not answerable.

24 Q. Okay. So let's turn to 42,
25 which is at the bottom of that page --

1 A. Um-hum. There --

2 Q. -- could -- could you read that?

3 A. Yeah.

4 There can be no liability of any
5 recipient of funds who, as a matter of law or
6 contract, was required to transfer any portion
7 of the funds to a third party.

8 Q. Were you required by law to
9 transfer any portion of the funds to a third
10 party?

11 A. Any liability? Any liability?
12 (Whereupon, the witness reviews
13 the material provided.)

14 THE WITNESS: I mean, it's
15 saying there can be no liability of any
16 recipient of funds who, as a matter of
17 law, was required to transfer any
18 portion of the funds -- I just don't
19 see how it applies. I'm not sure what
20 it -- it really means.

21 BY MR. SHAPIRO:

22 Q. Okay. So let's turn the page to
23 Paragraph 43.

24 Again, could you -- could you read
25 that?

1 A. Forty-three?

2 The Defendant cannot be liable for
3 withdrawals that Defendant was legally compelled
4 to transfer to state and federal taxing
5 authorities.

6 Q. Okay. Could you identify for me
7 any transfers that you were compelled to take
8 in order to pay taxing authorities?

9 A. Well, what I said earlier, I mean,
10 you're -- you're effectively compelled, because
11 if you -- if I did not make withdrawals and I
12 was paying taxes on that income, at some point,
13 I wouldn't have any money or I wouldn't be
14 paying my taxes.

15 So in a de facto basis, yeah, I'm
16 legally compelled to transfer funds to state and
17 federal taxing authorities, because if I didn't,
18 then I -- I -- you know --

19 Q. I mean, you --

20 A. -- I either wouldn't -- I wouldn't
21 be able to afford, you know, to continue to, you
22 know, pay taxes -- well . . .

23 Q. Okay. So let's turn to 46 --

24 A. Um-hum.

25 Q. -- the answer states that the

1 trustee has failed to properly credit you with
2 all your deposits.

3 I guess just looking at Exhibit B
4 there, are you aware of any deposits the trustee
5 has not credited?

6 A. Deposits?

7 Well, one thing I would like to be
8 able to see is the actual information about the
9 deposits that I've made. But what -- what --
10 what I see appears to be correct in this -- it's
11 a spreadsheet document, BLMIS account
12 number blah, blah, blah, Robert F. Ferber
13 document.

14 Q. Okay. So -- so you're not aware
15 of any other deposits that are not on
16 Exhibit 7?

17 A. Correct.

18 Q. Okay.

19 A. But what I'm saying is, I would
20 like to be able to see the backup of the ones
21 that are on that sheet, and the same thing with
22 the withdrawals.

23 Q. Right.

24 MR. SHAPIRO: Okay. I'm going
25 to ask that be marked as Exhibit 8.

1 - - -

2 (Ferber Deposition Exhibit Number
3 8, Letter, Bates stamped
4 AMF00264926, marked for
5 identification, as of this
6 date.)

7 - - -

8 THE WITNESS: Thanks.

9 BY MR. SHAPIRO:

10 Q. Have you seen this document
11 before?

12 A. I guess so. I mean, it has my
13 signature on it. It's back in year 2000,
14 so . . .

15 Uh-huh, yeah.

16 Q. So I'm just going to actually
17 just read the Bates number just for the
18 record. It's AMF00264926. This document was
19 produced to you on December 21st, 2015.

20 When you responded to our
21 discovery -- to the trustee's discovery
22 requests, did you review -- review this
23 document?

24 A. I'm sorry. You're referring to
25 this now (indicating)?

1 Q. No, I'm referring to -- to

2 Exhibit 8.

3 A. Okay. Well, this date is 2000 --

4 Q. No --

5 A. -- year 2000.

6 You're talking about when

7 we were -- I'm sorry.

8 Q. I'm talking about when

9 the -- the trustee produced it to -- to you on
10 December 21st, 2015.

11 A. Oh, this document (indicating)?

12 Q. Yes.

13 A. I -- I don't remember seeing it.

14 It may be in the sea of documents, but I -- I
15 don't -- I'm not saying this document isn't
16 legitimate. I'm just saying I don't remember
17 it.

18 Q. Okay.

19 MR. SHAPIRO: I'll ask that be
20 marked as Exhibit 9.

21 - - -

22 (Ferber Deposition Exhibit Number
23 9, Copy of Check Number 113263,
24 Bates stamped MADWAA00141126
25 through MADWAA00141127, marked

1 for identification, as of this
2 date.)

3 - - -

4 THE WITNESS: Thanks.

5 (Whereupon, the witness reviews
6 the material provided.)

7 THE WITNESS: Um-hum.

8 BY MR. SHAPIRO:

9 Q. Have you seen that document
10 before?

11 A. I -- yeah, I -- I guess.

12 Q. And is that your signature --

13 A. I mean, I deposited, it, right,
14 according to this, you know, so . . .

15 Q. So that is your signature?

16 A. Yeah, uh-huh.

17 Q. Again -- again, this was
18 produced on December 21st, 2015.

19 You don't remember ever -- ever
20 seeing it?

21 A. I don't specifically remember
22 the -- you know, this -- this check --

23 Q. Okay.

24 A. -- but, obviously, I've deposited
25 it and -- one thing that's odd is the name.

1 Doesn't that strike you as being
2 odd?

3 Q. Which name?

4 A. It says Bernard L. Madoff. It
5 doesn't say Securities. It doesn't say --
6 what's it -- from him personally.

7 Q. To be honest, I'm not sure.

8 A. It is a little weird, isn't it?

9 Q. Potentially, it was -- it was a
10 sole proprietorship, so -- it's not that
11 weird.

12 A. Oh.

13 Q. But that -- that's your
14 signature. It's a cancelled check, correct --

15 A. Right. But I think who the check
16 was drawn on is an important item --

17 Q. Okay. And so --

18 A. -- and -- and our counsel has --

19 Q. Yes.

20 A. -- I have a copy of this,
21 basically?

22 Q. Yes.

23 A. Okay.

24 Q. And does this -- does -- does
25 this date and amount correspond to a transfer

1 listed on Exhibit 7?

2 A. Yeah, uh-huh.

3 MR. SHAPIRO: I'm going to be
4 asked -- ask that this be marked as
5 Exhibit 9 --

6 THE COURT REPORTER: Ten

7 MR. SHAPIRO: Oh. It's 10.

8 - - -

9 (Ferber Deposition Exhibit Number
10 10, Fidelity Investment Report,
11 Bates stamped FMR_SIPC_141105
12 through FMR_SIPC_141109, marked
13 for identification, as of this
14 date.)

15 - - -

16 THE WITNESS: It's a stock
17 brokerage account of some sort.

18 BY MR. SHAPIRO:

19 Q. Have you seen it before?

20 A. Not that I recall.

21 Q. Okay. Okay. Could you turn to

22 Page 4?

23 A. Two, 3 -- 4, uh-huh.

24 Q. And you see about halfway down,
25 on 12/11, it said -- says, Deposit received,

1 \$1 million?

2 A. 12/11, \$1,000,030.17, or
3 something -- no.

4 Where --

5 Q. About halfway --

6 A. Oh, Deposit received.

7 Yeah. Okay.

8 I see 12/11. That's year 2000.

9 Right. Um-hum. Yeah.

10 Q. Do you recall if that was the
11 million-dollar with -- the million-dollar
12 withdrawal you requested from BLMIS?

13 A. Yeah, I imagine. The dates are
14 about the same, right, maybe a couple of days
15 off.

16 Yeah, so it must be.

17 Q. Okay.

18 MR. SHAPIRO: I'm going to ask
19 this be marked as Exhibit 11.

20 - - -

21 (Ferber Deposition Exhibit Number
22 11, Letter, Bates stamped
23 AMF00264913, marked for
24 identification, as of this
25

1 date.)

2 - - -

3 BY MR. SHAPIRO:

4 Q. I'm sorry. This is Bates Number
5 AMF00264913.

6 (Whereupon, the witness reviews
7 the material provided.)

8 BY MR. SHAPIRO:

9 Q. Have you seen that document
10 before?

11 A. I don't recall it, but it does
12 appear to have my signature.

13 Q. Okay. Again, this was produced
14 on December 21st, 2015.

15 Do -- do you recall --

16 A. You know, I remember communicating
17 with them. And I guess you need to send them a
18 quick note, a fax obviously here, and this is
19 what I sent.

20 Q. Okay.

21 MR. SHAPIRO: I'll ask this be
22 marked Exhibit Number 12.

23 This is MADWAA00266636.

24 - - -

25 (Ferber Deposition Exhibit Number

1 12, Copy of Check 183386, Bates
2 stamped MADWAA00266636 through
3 MADWAA00266637, marked for
4 identification, as of this
5 date.)

6 - - -

7 THE WITNESS: Uh-huh.

8 BY MR. SHAPIRO:

9 Q. Have you seen this document
10 before?

11 A. Yeah. I -- it has my signature on
12 it as depositing it.

13 Q. Okay. Again, do you recall if
14 you reviewed it before you responded to the
15 trustee's discovery request?

16 A. If I reviewed this document?
17 I don't recall reviewing it, no.

18 MR. SHAPIRO: I ask this be
19 marked Exhibit 13.

20 - - -

21 (Ferber Deposition Exhibit Number
22 13, Fidelity Investment Report,
23 Bates stamped FMR_SIPC_141105
24 through FMR_SIPC_141109, marked
25 for identification, as of this

1 date.)

2 - - -

3 MR. SHAPIRO: Again, this is
4 FMR_SIPC_141402 [verbatim].

5 THE WITNESS: The Fidelity
6 statement.

7 BY MR. SHAPIRO:

8 Q. Um-hum. Have you seen --

9 A. Um-hum.

10 Q. -- have you seen that document
11 before?

12 A. I don't recall it.

13 Q. So if you could turn to Page 3.
14 Again, about halfway down, it
15 says, 4/16, deposit received, \$1 million?

16 A. Um-hum.

17 Q. And do you recall -- is that
18 the -- the million-dollar withdrawal you
19 requested?

20 (Whereupon, the witness reviews
21 the material provided.)

22 THE WITNESS: I -- I'm not --
23 I'm less certain as the other one,
24 because there's, what, 16 days or
25 something went by; it seems a little

1 odd. So I -- I -- I can't say for

2 certain --

3 BY MR. SHAPIRO:

4 Q. Okay.

5 A. -- but it probably is.

6 Q. Okay. So on -- on Exhibit -- I

7 just want to show you Exhibit 12 --

8 A. Uh-huh.

9 Q. -- again, you can just see what
10 the -- the date that that was cancelled.

11 A. What do you mean "cancelled"?

12 Q. So the date it was -- the date
13 it was stamped.

14 A. The date it was stamped?

15 Q. Yeah.

16 A. Okay.

17 (Whereupon, the witness reviews
18 the material provided.)

19 BY MR. SHAPIRO:

20 Q. I was thinking of postage
21 stamps.

22 A. Oh. This is 4/17, or something,
23 okay. It's odd, it was such a long period of
24 time.

25 Uh-huh.

1 Q. That date roughly corresponds --

2 A. Yes.

3 Q. -- with the date --

4 A. Yes --

5 Q. -- on the statement?

6 A. -- it does, uh-huh.

7 MR. SHAPIRO: I'll ask this be
8 marked Exhibit 14.

9 - - -

10 (Ferber Deposition Exhibit Number
11 14, Letter, Bates stamped
12 AMF00264912, marked for
13 identification, as of this
14 date.)

15 - - -

16 MR. SHAPIRO: And this is
17 Bates Number AMF00264912.

18 THE WITNESS: Um-hum.

19 BY MR. SHAPIRO:

20 Q. Have you seen this before?

21 A. Yeah, um-hum. Yeah.

22 Q. And is that your signature?

23 A. Yes, it is.

24 Q. And, again, do you recall
25 reviewing it before responding to the

1 trustee's discovery request?

2 A. Well, in this one, I actually -- I
3 guess because it's sooner, I remember it, but I
4 don't remember the trustee request part.

5 Q. Okay.

6 MR. SHAPIRO: I'll ask that
7 that's stamped Exhibit 15.

8 - - -

9 (Ferber Deposition Exhibit Number
10 15, Copy of Check, Bates stamped
11 MADWAA00284983 through
12 MADWAA00284984, marked for
13 identification, as of this
14 date.)

15 - - -

16 MR. SHAPIRO: And it's
17 Bates Number MADWAA00284983.

18 (Whereupon, the witness reviews
19 the material provided.)

20 THE WITNESS: Um-hum.

21 BY MR. SHAPIRO:

22 Q. Have you seen that before?

23 A. Yeah, um-hum.

24 Q. And that's -- is that your
25 signature?

1 A. Yeah.

2 MR. SHAPIRO: I will ask that --
3 this is Exhibit 16.

4 - - -

5 (Ferber Deposition Exhibit Number
6 16, Fidelity Investment Report,
7 Bates stamped FMR_SIPC_141497
8 through FMR_SIPC_141499, marked
9 for identification, as of this
10 date.)

11 - - -

12 MR. SHAPIRO: This is
13 Bates Number FMR_SIPC_141497.

14 BY MR. SHAPIRO:

15 Q. So have you seen this document
16 before?

17 A. I don't recall.

18 Q. Okay. Can you turn to Page 4?

19 A. Um-hum.

20 Q. And up toward the top of the
21 page, it says on 10/2 there was a deposit
22 received for \$1,500,000.

23 A. Right, um-hum.

24 Q. Was that the -- the 1.5 million
25 withdrawal -- dollar withdrawal you requested

1 from BLMIS?

2 A. It must be.

3 Q. Okay. Okay.

4 MR. SHAPIRO: I'm going to ask
5 this be marked Exhibit 17.

6 - - -

7 (Ferber Deposition Exhibit Number
8 17, Check Wire, Bates stamped
9 10-04562_FERBER_0001024, marked
10 for identification, as of this
11 date.)

12 - - -

13 MR. SHAPIRO: And this is
14 Document 10-04562_FERBER_0001024.

15 BY MR. SHAPIRO:

16 Q. Have you seen that document
17 before?

18 A. Yeah, I saw this when I was
19 pulling together this stuff to send off, yes.

20 Q. And can you describe the
21 document for me?

22 A. Oh. Just a piece of paper that
23 says, Credited to your -- credited your check
24 wire, \$1,250,000; it has my name on it --

25 Q. Um-hum. And does --

1 A. -- I'd like to see -- I mean, I --
2 I assume you have actual documents associated
3 with this deposit, right?

4 There was -- because we know -- a
5 piece of paper well, you know --

6 Q. Does -- does that correspond
7 with -- with one of the --

8 A. Yes.

9 Q. -- transactions marked on --

10 A. Yes, it does.

11 Q. Okay.

12 A. And are you able to correspond
13 that wire to the actual bank account?

14 I mean, you need to have some way
15 to -- I mean, if you're doing the withdrawals,
16 you need to do the deposits, right?

17 So you have to -- to -- you're
18 looking at a piece of paper. Is the piece of
19 paper really meaningful?

20 It's not meaningful until you
21 actually back it up with a bank transaction,
22 right?

23 MR. SHAPIRO: All right. Let's
24 mark Exhibit 18, please.

25 - - -

1 (Ferber Deposition Exhibit Number
2 18, Check Wire, Bates stamped
3 10-04562_Ferber_0001020 through
4 10-04562_Ferber_0001022, marked
5 for identification, as of this
6 date.)

7 - - -

8 MR. SHAPIRO: This is
9 Bates Number 10-04562_FERBER_0001020.

10 THE WITNESS: Um-hum.

11 BY MR. SHAPIRO:

12 Q. Do you recognize this document?

13 A. No. I mean, I --

14 Q. Okay. Could -- could you
15 describe it for me again?

16 A. It's a check wire, Bernard L.
17 Madoff Investment Securities accredited to your
18 account, check wire, \$600,000, with my name and
19 address.

20 Q. Okay. And so the -- the --
21 could you describe the next page?

22 A. Um-hum.

23 It's a client notification per --
24 from Prudential Securities, instructing them to
25 send 600,000 in Fed funds to Chase Banks,

1 Account Number 021- -- a bunch of zeros and a
2 21, to the benefit of Robert F. Ferber.

3 Q. Okay.

4 Well, I -- I think the beneficiary
5 is Bernard L. Madoff, right?

6 I think it --

7 A. Oh.

8 Q. -- the originator is -- is --

9 A. Oh. Okay. Right.

10 Q. -- is Robert F. Ferber; is
11 that --

12 A. Okay. Yeah. You're right.

13 Q. -- is that correct?

14 A. Yeah, you're -- you're right.

15 Q. And does that correspond to --
16 to a transaction on Exhibit 7?

17 A. Yes.

18 Q. Okay. And so I -- and can you
19 just turn to the last page there?

20 And could -- could you describe
21 that?

22 A. We sent \$1,250,000 in Fed funds to
23 Chase NYC. And then a bunch of account numbers.

24 Do you want me to go through that?

25 Q. No, no. That's fine.

1 A. Okay.

2 Beneficiary: Bernard J. Madoff
3 [sic] Investment -- something. Beneficiary
4 information: FBO, Robert F. Ferber.

5 Q. Okay. And -- and this page and
6 the previous page are -- who -- who created
7 this document?

8 A. Well, Prudential Securities,
9 obviously, right?

10 Q. And -- and is that where you
11 have an account?

12 A. Yes, um-hum.

13 Q. Okay. Okay. So other than
14 these transactions that we've discussed, are
15 you aware of any others -- any other deposits
16 into your BLMIS account?

17 A. Dep- -- I'm not aware of any
18 deposits or withdrawals, right.

19 Q. Okay. And not withdrawals
20 either?

21 A. Right.

22 Q. Okay. And so other than what
23 you've testified to today, do you plan to
24 offer any other testimony at trial regarding
25 the deposits, withdrawals, or transfers?

1 A. I guess I could, but I -- I -- I
2 would imagine I would speak to counsel for
3 something like that. I mean, that's -- am
4 I -- forever hold your peace, I don't know --

5 Q. Okay. But you --

6 A. -- but --

7 Q. -- you don't know what that
8 would be, right now?

9 A. No, I do not know what that would
10 be. I would have to speak to counsel.

11 Q. Okay. And is there any other
12 information that you want to share with me
13 regarding, you know, what we discussed, your
14 BLMIS account and . . .

15 A. Kind of an open-ended question,
16 right?

17 Yes. I mean, I -- obviously, I'll
18 speak to counsel, but I am kind of intrigued
19 where -- where's the evidence of the deposits on
20 the Madoff side?

21 I mean, you're showing my side of
22 it, but, obviously, there's -- there's a --
23 there's a -- there's another entry. So I would
24 be interested in -- in -- in seeing that,
25 particularly in light -- I think it's very weird

1 that the checks just had somebody's name on it.

2 I mean -- instead of like Bernard -- you know,
3 the legal name.

4 I mean, when I got checks for a
5 business, you have a legal name on it. And when
6 you open an account, it has to be in the legal
7 name, because you have a tax ID number, and the
8 tax ID number has to match with the name on the
9 account, and -- otherwise, the bank won't open
10 the account.

11 So it just seems -- that strikes
12 me as odd.

13 Q. Okay. Understood.

14 A. Well, that's a really open-ended
15 question. I'm not used to such open-ended
16 questions.

17 And that's the question
18 specifically relating to my account with Madoff,
19 right, your question --

20 Q. Correct.

21 A. -- versus in general?

22 Okay.

23 I don't -- I don't think so.

24 Q. Okay.

25 MR. SHAPIRO: Okay. I think --

1 I think that -- that concludes.

2 THE WITNESS: Oh. We're done

3 done?

4 MR. SHAPIRO: I think we're done

5 done.

6 THE VIDEOGRAPHER: Okay. This

7 concludes the video deposition of

8 Robert Ferber.

9 MR. SHAPIRO: Wait, sorry.

10 Jennifer, did you have

11 anything?

12 MS. ALLIM: No. I just -- I

13 want to reserve our right to review the

14 transcript and issue a statement of

15 changes --

16 THE COURT REPORTER: I'm sorry?

17 The connection is terrible

18 here.

19 MS. ALLIM: -- reserve our right

20 to review the transcript and issue a

21 statement of changes if it is deemed

22 necessary.

23 THE WITNESS: She's just saying

24 to review the transcript; is that

25 right?

1 MR. SHAPIRO: Yeah, and make a
2 statement of changes --

3 MS. ALLIM: Yeah.

4 MR. SHAPIRO: -- if necessary.

5 MS. ALLIM: Yes.

6 MR. SHAPIRO: Okay.

7 THE VIDEOGRAPHER: This
8 concludes the video deposition of
9 Robert Ferber. The time now is
10 11:42 a.m.

11

12 - - -

13 (Witness excused.)

14 - - -

15 (Deposition concluded at 11:42 a.m.)

16

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1 C E R T I F I C A T E

2 COUNTY OF PRINCE GEORGE'S:

3 STATE OF MARYLAND:

4 I, Cindy L. Sebo, a Notary Public
5 within and for the Jurisdiction aforesaid, do
6 hereby certify that the foregoing deposition of
7 ROBERT FERBER, was taken before me, pursuant
8 to notice, at the time and place indicated; that
9 said deponent was by me duly sworn to tell the
10 truth, the whole truth, and nothing but the truth;
11 that the testimony of said deponent was correctly
12 recorded in machine shorthand by me and thereafter
13 transcribed under my supervision with
14 computer-aided transcription; that the deposition
15 is a true record of the testimony given by the
16 witness; and that I am neither of counsel nor
17 kin to any party in said action, nor interested
18 in the outcome thereof.

19

20

21



22

Cindy L. Sebo, RMR, CRR, RPR, CSR,

23

CCR, CLR, RSA, LiveDeposition

24

Authorized Reporter and Notary Public

25

1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over
4 carefully and make any necessary corrections. You
5 should state the reason in the appropriate space on
6 the errata sheet for any corrections that are made.

7 After doing so, please sign the errata
8 sheet and date it.

9 You are signing same subject to the
10 changes you have noted on the errata sheet, which will
11 be attached to your deposition.

12 It is imperative that you return the
13 original errata sheet to the deposing attorney within
14 thirty (30) days of receipt of the deposition
15 transcript by you. If you fail to do so, the
16 deposition transcript may be deemed to be accurate and
17 may be used in court.

18

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22

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24

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1 E R R A T A

2 PAGE LINE CHANGE

3 _____

4 Reason For

5 Change: _____

6 PAGE LINE CHANGE

7 _____

8 Reason For

9 Change: _____

10 PAGE LINE CHANGE

11 _____

12 Reason For

13 Change: _____

14 PAGE LINE CHANGE

15 _____

16 Reason For

17 Change: _____

18 PAGE LINE CHANGE

19 _____

20 Reason For

21 Change: _____

22 PAGE LINE CHANGE

23 _____

24 Reason For

25 Change: _____

1 ACKNOWLEDGMENT OF DEPONENT

2

3 I, _____, do

4 hereby certify that I have read the foregoing

5 pages, 1 to 94, and that the same is a correct

6 transcription of the answers given by me to the

7 questions therein propounded, except for the

8 corrections or changes in form or substance, if

9 any, noted in the attached errata sheet.

10

11

12

13 _____
DATE

SIGNATURE

14

15

16

17 Subscribed and sworn to before me

18 this _____ day of _____, 20____.

19

20

21 My Commission expires:

22

23 _____

24 _____

25

Notary Public

| A | | | |
|-------------------------|-----------------------|------------------------|-----------------------|
| a.m | action | 28:14 50:6 | answers |
| 1:21 2:2 9:4,8 94:10,15 | 95:17 | ahead | 11:16 98:6 |
| ability | actions | 25:20 | anybody |
| 16:24 | 13:16 | Allim | 29:12 30:5 54:21 56:4 |
| able | actual | 3:9 10:13,13 42:23 | anymore |
| 17:10 64:24 69:20,21 | 26:22 64:24 72:8 87:2 | 43:3,6,18 44:3,9,25 | 49:2 |
| 71:21 72:8,20 87:12 | 87:13 | 45:12 67:12 93:12,19 | anyway |
| absent | add | 94:3,5 | 41:3 |
| 14:17 | 30:19 66:6 | aloud | appealed |
| acceptable | address | 13:12 | 26:1 |
| 11:17 | 20:14 88:19 | AMF00264912 | appear |
| accepted | adds | 7:13 83:12,17 | 79:12 |
| 38:17 | 21:21 | AMF00264913 | appears |
| account | adjustment | 6:17 78:23 79:5 | 28:12 72:10 |
| 5:14 12:24 18:12 26:13 | 58:15 | AMF00264926 | applicable |
| 27:7 29:5 30:20,20 | adjustments | 5:21 73:4,18 | 47:25 66:17,18 |
| 35:4,12 36:3 42:21 | 65:20 | AMF00264935 | applies |
| 45:8 47:23 48:2 49:20 | Administrator | 4:14 27:25 | 70:19 |
| 49:21 50:8,11,12,12 | 2:21 | AMF00264937 | appropriate |
| 52:4,9,17 53:24 54:2 | admit | 4:15 28:1 | 96:5 |
| 54:23,23 63:1,18 64:1 | 42:19 43:8 44:11 | amount | April |
| 64:3,16 66:6,8,8,13 | Adv | 54:13 62:8 68:10,10 | 7:7,7 |
| 66:17 68:9 69:6 72:11 | 1:4,12 | 76:25 | arguable |
| 77:17 87:13 88:18 | adversary | amounts | 68:8 |
| 89:1,23 90:11,16 | 9:23 11:11 | 32:14 69:6 | arguments |
| 91:14 92:6,9,10,18 | adverse | analysis | 67:24 |
| accountant | 11:7 | 58:25 61:22 | arm |
| 18:4 32:24 33:5,11,11 | advice | and/or | 23:24 |
| 53:5 58:24 60:11 | 61:18 | 58:14 | article |
| accounting | advisory | answer | 16:9 |
| 62:3 | 24:2,7 | 5:12 11:18,22 12:13,13 | articles |
| accounts | affect | 16:25 17:10,18 25:24 | 16:6 |
| 42:3 64:25 65:25 | 17:3 | 30:12 36:20 41:3 | asked |
| accredited | affidavit | 43:17,18 44:6,20 | 44:11,20 59:8 61:1 |
| 88:17 | 18:4 | 45:11 47:15,19,20 | 66:7,7 77:4 |
| accurate | Affirmative | 50:25 51:1 52:2 55:7 | asking |
| 24:13 96:16 | 5:12 55:7,22 62:17,17 | 55:21 56:9,19 57:12 | 11:12 12:4,16 17:20 |
| accurately | afford | 57:22 58:4 68:14 | assist |
| 12:2 16:25 17:13 | 71:21 | 69:16,20,21 71:25 | 36:5 |
| ACKNOWLEDGM... | aforesaid | answerable | associated |
| 98:1 | 95:5 | 59:10 69:23 | 23:17 53:2 87:2 |
| acting | ago | answered | association |
| 69:11 | 15:8 16:9 23:22 49:17 | 67:13 | 9:11 |
| | agreement | answering | assume |
| | 4:13 27:6,10,18,24 | 12:4,6 52:18 67:9 | 19:4 51:13 87:2 |

| | | | |
|---|---|--|---|
| assumed 26:24 35:13 | backup 72:20 | 3:3 10:10,11 11:9 | 16:11 69:4 |
| assuming 66:3 | Baker 3:4 10:11 | began 13:7 | bottom 58:7 69:25 |
| attached 96:11 98:9 | BakerHostetler 10:8 | believe 29:23 35:11 36:8 47:13 57:15 | bound 14:20 |
| attachments 18:6 | balance 32:15 68:9 | Bendish 9:11 | box 43:13 |
| attention 30:6 | balancing-type 51:19 | beneficiary 89:4 90:2,3 | break 12:7,10 |
| attic 37:16 41:6,7 | Baltimore 16:16 | benefit 47:23 52:3 89:2 | bring 30:7 |
| attorney 18:6 19:12,16 32:22 36:7 59:21 96:13 | bank 41:25 42:12 87:13,21 92:9 | benefited 53:11 | broadcasts 16:6 |
| attorneys 10:2 | banker 53:5 | Bernard 1:6,9,12 12:17,19 24:16 26:7 76:4 88:16 89:5 90:2 92:2 | broken 62:1 |
| August 56:2 | Bankruptcy 1:1 9:21 | Bernie 9:19 23:7,18 | broker 24:12,13 |
| authorities 53:11,16 58:20 71:5,8 71:17 | Banks 88:25 | best 11:15 12:5 44:21 | brokerage 24:16 35:11 41:25 68:9 77:17 |
| Authorized 1:25 2:21 95:24 | barred 65:17 | big 33:4 | bullet 56:24 58:2 |
| Avenue 2:11 3:10 9:16 | based 35:25 53:12 58:22 65:7 65:8 67:22 | birth 20:11 | bunch 89:1,23 |
| aware 32:19,21 34:14 49:11 49:14 61:15 68:2 72:4 72:14 90:15,17 | basic 27:5 | bit 23:21 | business 14:1,3 23:20 24:2,7 92:5 |
| <hr/> B <hr/> | | BL- 26:5 | <hr/> C <hr/> |
| B 3:3 4:9 5:2 6:2 7:2 8:2 64:11 72:3 | basically 15:10 32:20 48:11 50:7 57:16 66:5 76:21 | blah 72:12,12,12 | C 3:1 9:1 95:1,1 |
| ba 59:13,13,14,14,14 | basis 43:5 67:5,23 71:15 | BLMIS 5:14 12:18,24 23:5,7 23:15 25:10 26:5 27:2 29:4,11 31:12 34:4,6 34:15,20 35:22 36:3 42:21 45:8 47:22 48:5 49:4 51:6 54:2 58:18 58:23 63:1,18 64:1 66:7 69:6 72:11 78:12 86:1 90:16 91:14 | calculable 47:24 |
| Bachelor's 20:20,25 | Bates 4:13,16 5:15,20 6:7,11 6:16,19 7:8,12,16,20 8:7,10 14:8 27:24 37:21 63:19 73:3,17 74:24 77:11 78:22 79:4 80:1,23 83:11,17 84:10,17 85:7,13 86:8 88:2,9 | blue-chip 25:13 | calculate 60:25 62:8 |
| back 23:12 40:10 49:9,23 50:11 52:1 62:4 73:13 87:21 | Becker 60:8 61:11 | blurb | calculated 62:21 |
| background 31:2 | Beckerlegge | | calculations 67:6 |
| | | | call 23:1 24:18 29:6 57:18 62:6,12 |
| | | | called 16:3 18:4 50:2 55:21 |
| | | | cancelled |

| | | | |
|---|---|--|--|
| 42:4 52:22 65:8 76:14 82:10,11 capital 48:1 53:12 caption 9:17 captioned 11:8 Car 22:15 carefully 96:4 CarFinance.com 22:18 CargoTel 21:17 22:12,23 23:1 case 9:17 13:3 16:3 18:16 18:20 19:9,10 56:10 59:16 61:22 64:12 CCR 1:25 95:23 certain 12:11 13:5 30:18 52:25 54:19 81:23 82:2 certainly 28:12 60:6,17 certificates 21:11 Certified 2:17,19,19,20 certify 95:6 98:4 Chaitman 3:9 10:14 Change 97:2,4,5,8,9,11,12,15 97:16,18,19,22,22,25 changes 93:15,21 94:2 96:10 98:8 charging 62:22 Charles 60:8 | Chase 88:25 89:23 check 6:6,18 7:15 8:6,9 35:14 51:6,10 52:25 64:22 64:23 66:11 74:23 75:22 76:14,15 80:1 84:10 86:8,23 88:2,16 88:18 checks 42:4 52:22 64:24 65:9 92:1,4 Chuck 62:7 Cindy 1:24 2:16 10:17 95:4 95:22 Circle 20:15 claim 4:16 36:2,6,13,14,23 36:24 37:4,21 38:9,14 38:19 claims 65:17 clawed 50:11 clear 43:14 cleared 64:24 client 61:16 88:23 close 49:20 50:17 closed 49:21 50:13 CLR 1:25 95:23 colleague 11:9 COMAD 33:25 34:1 come 31:18 54:24 | commission 34:15 98:21 communicate 29:3,11 36:17,22 communicated 30:3,18 communicating 79:16 communication 30:15,21 31:7,7 40:11 40:15 57:14,15 company 15:12 21:24 22:4 23:11 23:18 24:8 25:5 compelled 68:24 69:13 71:3,7,10 71:16 complaint 64:12 computer 18:2 computer-aided 95:14 computers 61:25 concentrate 50:22 concentration 51:18 concluded 94:15 concludes 93:1,7 94:8 conference 14:14 confidential 13:18,20,23,25 14:6,8 14:11,16,24,24 confidentiality 13:4 confirm 13:8 57:21 confirmation 31:18 confirmations | 32:4 37:14 connection 15:23 93:17 consent 14:17 Consolidated 1:7 contact 35:21 contend 63:1 64:19 65:22 content 27:9 contention 65:7 continue 71:21 Continued 5:2 6:2 7:2 8:2 contract 70:6 convenience 12:19 conversation 26:7 50:23 conversations 61:14 copies 32:17,24,25 copy 6:6,18 7:15 13:6 14:19 28:18 64:8 74:23 76:20 80:1 84:10 Corporation 1:3 9:19 correct 17:14 45:13 51:7,8 57:23 72:10,17 76:14 89:13 92:20 98:5 corrections 96:4,6 98:8 correctly 95:11 correlation 54:16 |
|---|---|--|--|

| | | | |
|--|---|--|--|
| correspond 76:25 87:6,12 89:15 | D 4:2 9:1 | 62:22 | 72:9,15 87:16 90:15 90:18,25 91:19 |
| correspondence 31:23 | daily 31:19 | Defense 62:17 65:14 | describe 86:20 88:15,21 89:20 |
| corresponds 83:1 | date 14:7 20:11 21:4 28:3 38:1 39:10 41:2 46:1 46:24 48:20 55:10 61:2 63:21 73:6 74:3 75:2 76:25 77:14 79:1 80:5 81:1 82:10,12,12 82:14 83:1,3,14 84:14 85:10 86:11 88:6 96:8 98:13 | Defenses 5:13 55:8,22 | DESCRIPTION 4:12 5:5 6:5 7:5 8:5 |
| counsel 11:2 12:11,12 13:6,17 13:19 14:19,21 18:23 18:24 28:23 33:13,15 33:22 36:9,11,16,22 40:7,16 43:16 44:5,11 44:19 53:4 56:13 57:5 57:6,10 60:2 61:6,12 64:9 76:18 91:2,10,18 95:16 | dates 50:24 78:13 | define 68:8 | designate 14:22 |
| COUNTY 95:2 | Davis 10:14 | degree 20:20,22,25 | determine 52:19 |
| couple 22:17 78:14 | day 34:21,22 98:18 | degrees 21:11 | different 24:20 33:3 67:24 |
| course 29:10 33:10 56:14 | day-to-day 22:21,24 | denied 38:17 | difficult 23:17 68:1 |
| court 1:1 2:19 9:22 10:16 11:21 14:14,17 42:25 77:6 93:16 96:17 | days 14:1,1,3 78:14 81:24 96:14 | Dep- 90:17 | dig 37:15 |
| created 90:6 | de 71:15 | deponent 14:5 95:9,11 98:1 | direct 30:5 |
| credit 65:18,23 66:20 72:1 | Debtor 1:10 | deposed 15:5 | directing 43:17 |
| credited 72:5 86:23,23 | December 5:19 6:10,10 42:2,2,22 43:9,10 44:16,16 45:9 45:9 73:19 74:10 75:18 79:14 | deposing 96:13 | directly 51:20,21 |
| CRR 1:24 95:22 | decide 25:10 | deposit 77:25 78:6 81:15 85:21 87:3 | directs 12:13 |
| CSR 1:24 95:22 | Declined 38:18 | deposited 12:23 75:13,24 | disclose 13:20 14:6,16 |
| current 22:20,20 | deemed 93:21 96:16 | depositing 80:12 | disclosed 14:9 |
| currently 21:13 | Defendant 1:7,16 4:21 5:6 39:6 40:4 45:20 46:13 58:8 58:15 62:22 71:2,3 | deposition 1:19 2:5 4:11 5:4 6:4 7:4 8:4 9:12 10:25 11:7 12:15 13:15 14:2 14:4,7,13,21 17:6,16 19:19,24 27:23 37:20 39:4 45:19 46:21 55:6 63:17 73:2 74:22 77:9 78:21 79:25 80:21 83:10 84:9 85:5 86:7 88:1 93:7 94:8,15 95:6,14 96:3,11,14,16 | disclosure 14:10 |
| customer 4:13,16 27:24 28:14 37:13,21 38:9 | Defendant's | deposits 18:3 29:13,15 30:19 31:9,14 42:10,20 43:9 44:12,14 45:7 52:17 52:20 64:15 72:2,4,6 | discovery 73:21,21 80:15 84:1 |
| D | | | discussed 90:14 91:13 |
| | | | discussion 61:24 |
| | | | discussions 26:18 61:10,20 |
| | | | disheartening 50:14 |
| | | | dispute 42:9 44:14 45:14 |
| | | | disputing 45:7 67:5 |
| | | | distributed |

| | | | |
|-------------------------|-----------------------|------------------------|-------------------------|
| 51:12 | 8:2 9:1,1 95:1,1 97:1 | 96:6,7,10,13 98:9 | F |
| District | E-Loan | ESQUIRE | F |
| 1:1 9:22 | 22:3,14 | 3:3,3,9 | 1:15 4:21 5:6 39:6 40:4 |
| diversifying | e-mail | evidence | 45:20 46:13 64:3 |
| 48:12 | 18:5 36:16 57:14 62:6 | 13:5 64:22,23 91:19 | 72:12 89:2,10 90:4 |
| division | 62:6 | EVRI | 95:1 |
| 23:1 | e-mailing | 22:15 | fact |
| document | 40:10 | exact | 49:19 50:13 |
| 28:6,8 31:21 33:9 38:4 | earlier | 24:11 34:21 48:17,20 | facto |
| 38:8 39:14,23 40:7,13 | 60:18 71:9 | 60:16 | 71:15 |
| 40:23 41:5,19 46:4,11 | earned | exactly | fail |
| 55:14 56:23 57:3,11 | 34:14 | 25:8 42:17 | 96:15 |
| 63:5 64:6,9 72:11,13 | easy | examination | failed |
| 73:10,18,23 74:11,15 | 67:25 | 11:2 13:16 14:22 | 66:20 72:1 |
| 75:9 79:9 80:9,16 | economics | examined | failure |
| 81:10 85:15 86:14,16 | 20:21 | 10:22 | 65:18 |
| 86:21 88:12 90:7 | editing | example | familiar |
| documents | 56:9 | 54:18 | 60:7 |
| 4:24 13:5 17:22,24 | educational | excuse | far |
| 18:10,15,19 27:13 | 20:18 | 16:20 29:2 57:21 60:20 | 32:19 |
| 31:11,17 33:10,14,16 | effectively | excused | fax |
| 33:18 37:8,10,11 39:8 | 71:10 | 94:13 | 29:24 30:3 79:18 |
| 40:5,19 41:5,12 57:21 | effort | Exhibit | faxed |
| 68:3 74:14 87:2 | 13:22 23:3 36:1 | 27:21,23 37:18,20 39:2 | 29:25 |
| doing | either | 39:4 45:17,19 46:18 | FBO |
| 60:15 61:18 65:4 87:15 | 12:23 71:20 90:20 | 46:21 47:7 55:4,6 | 90:4 |
| 96:7 | employed | 63:15,17 64:11 72:3 | Fed |
| dollar | 21:13 | 72:16,25 73:2 74:2,20 | 88:25 89:22 |
| 85:25 | encompassed | 74:22 77:1,5,9 78:19 | federal |
| dollars | 18:5 59:13 | 78:21 79:22,25 80:19 | 68:24 71:4,17 |
| 26:21 54:12 | ended | 80:21 82:6,7 83:8,10 | fee |
| double-whammied | 50:3 | 84:7,9 85:3,5 86:5,7 | 34:15 |
| 49:6 | engaged | 87:24 88:1 89:16 | Ferber |
| doubt | 33:15 | EXHIBITS | 1:15,19 2:6 4:5,11,21 |
| 60:6 | entirely | 4:12 5:5 6:5 7:5 8:5 | 5:4,18 6:4,15 7:4,11 |
| drafting | 31:8,8 | expenses | 8:4 10:1,15,20 11:5,8 |
| 56:9,12 | Entitled | 48:2 | 20:7 27:23 37:20 39:4 |
| drawn | 58:8 | expert | 39:6 40:4 45:19 46:21 |
| 76:16 | entity | 59:15,17,19,22 | 55:6 63:17 64:4 72:12 |
| duly | 12:18 | expires | 73:2 74:22 77:9 78:21 |
| 10:21 95:9 | entry | 98:21 | 79:25 80:21 83:10 |
| | 91:23 | explain | 84:9 85:5 86:7 88:1 |
| E | equitable | 52:3 | 89:2,10 90:4 93:8 |
| E | 58:14 | eyes | 94:9 95:7 |
| 3:1,1 4:2,9 5:2 6:2 7:2 | errata | 63:6 | |

Picard v Ferber

Robert Ferber 6/20/2017

Page 104

| | | | |
|---|--|---|--|
| Ferber's 5:6 45:20 46:13 | FMR_SIPC_141497 85:7,13 | 47:22 48:6,23,25 49:2 49:18 50:1,5 | good 11:5 44:2 |
| fictitious 58:16 | FMR_SIPC_141499 7:22 85:8 | funds 70:5,7,9,16,18 71:16 88:25 89:22 | good-faith 13:22 |
| Fidelity 6:9 7:6,18 77:10 80:22 81:5 85:6 | focused 22:25 24:10 | futile 36:1 | gotten 63:4,4,5 64:8 |
| FIFO 67:22 | follow 54:14 | future 50:16 | governs 13:3 |
| file 33:6,7,8 36:2 59:2,3 | followed 62:6 | | GPS 15:18 |
| filed 9:20 36:9 | follows 10:22 | G | graduated 21:5 |
| filing 36:6 38:14 | foregoing 95:6 98:4 | G 9:1 | great 25:15 68:22 |
| filled 37:5 | forever 91:4 | gains 48:2 53:13 | guess 11:16 16:22 22:19 23:8 23:23,24 24:18 25:11 34:25 36:7 41:4 49:13 62:4,14 72:3 73:12 75:11 79:17 84:3 91:1 |
| finance 20:21 31:2 | forgotten 62:12 | general 31:15 36:16 92:21 | |
| financial 22:24 | form 37:5,6 43:6,20 44:4,10 44:19 52:23 58:17 98:8 | GEORGE'S 95:2 | |
| find 34:24 | forth 40:11 | getting 23:2 27:8 50:3 61:17 | H |
| fine 89:25 | Forty-three 71:1 | give 32:23 | H 1:11 3:2 4:9 5:2 6:2 7:2 8:2 |
| finish 12:3,5,9 20:23 | forwarded 32:22 | given 15:22 18:22,23 95:15 98:6 | halfway 77:24 78:5 81:14 |
| finished 47:1 65:12 | found 34:25 | gives 50:15 | happened 49:21 |
| first 4:22 5:8 10:21 13:7 23:6,11,14 34:19 39:7 40:4 45:22 46:14 47:11 48:8 51:9 55:24 62:10,11 | four 13:25 14:1 | giving 61:17 | head 11:24 35:20 48:21 |
| floor 35:6 | Foxwell 1:19 2:5 4:5 10:20 20:7 | go 25:20 37:16 49:9 56:14 56:18 58:1 61:4 62:10 65:14 89:24 | hear 23:6 34:19 |
| FMR_SIPC_141105 6:12 7:9 77:11 80:23 | Franklin 3:14 9:9 | go-around 62:11 | heard 11:9 23:12 24:17 33:25 34:6 35:2 |
| FMR_SIPC_141109 6:13 7:10 77:12 80:24 | frankly 54:22 56:16 | goes 54:22 | heart 35:9 |
| FMR_SIPC_141402 81:4 | fraud 15:24 16:7 18:11 34:20 | going 12:16 27:19,20 35:18 35:19 37:17 38:20,25 39:1 45:15 46:17 52:1 52:1 54:23 55:3 58:5 63:13 72:24 73:16 77:3 78:18 86:4 | hedge 24:20 |
| FMR_SIPC_141494 7:21 | fraudulently 62:21 | | hedged 25:12,14 |
| | full 20:6 65:23 | | hedging 24:21 |
| | fund | | held |

| | | | |
|---|---|--|--|
| 2:6 9:12 Helen 10:14 helped 18:10 high 20:18 history 20:18 hold 47:2,4 91:4 holder 47:23 52:4 home 20:14 honest 76:7 Hostetler 3:4 10:11 Hum-um 34:12 | important 76:16 impression 50:15 include 14:4 included 27:5 including 42:1,4 income 53:25 54:9 58:23 59:11 59:12 62:2 71:12 incoming/outgoing 42:5 Incorporated 21:18 22:16 indicated 41:11 95:8 indicating 47:11 73:25 74:11 indirect 54:16 indirectly 47:21 48:5 informal 14:14 information 40:24 58:18 59:1 72:8 90:4 91:12 initial 42:3 50:20 instances 14:2 instructed 30:5 instructing 88:24 INSTRUCTIONS 96:1 insure 35:12 insured 35:11 intending | 13:20 intends 14:6 intent 13:23 inter-account 65:19,21,24 66:2 interest 42:12 interested 91:24 95:17 Interrogatories 5:9 45:23 46:15 Interrogatory 47:15 52:2,12 53:9 interviewed 15:23,25 intrigued 91:18 introduced 23:15 24:5,15,25 34:4 invest 25:10 51:17 invested 25:25 26:5 27:3 49:4,8 51:5,8 investing 48:16 investment 1:6,12 6:9 7:6,18 9:20 12:17 23:24 24:2,7 25:12 26:10,19,20 29:10 48:12 49:12 50:20 77:10 80:22 85:6 88:17 90:3 investor 1:2 9:18 24:8,25 25:5,7 69:19 involved 15:11 56:8 66:12,14 involvement 23:13 IRS 53:18 54:6,25 58:17,19 59:6 62:13 | Irving 1:11 3:2 10:9 issue 93:14,20 item 32:10 58:3 59:11 76:16 <hr/> J <hr/> J 90:2 jallim@chaitmanllp.... 3:11 Jennifer 3:9 10:13 45:10 67:8 93:10 jog 58:2 joint 37:14 59:2,4,4 June 1:21 2:1 9:4,7 Jurisdiction 95:5 <hr/> K <hr/> keep 32:17 kept 54:8 kin 95:17 kind 35:8 44:1 91:15,18 knew 23:12,21 25:2 know 11:14,16,17 12:8,16 13:10 16:12 17:19 18:5,11,14,18,20 21:6 23:10,19 24:9,19,21 24:22,22 26:13,18,25 27:7,13 29:12,16,20 29:24 31:3,19,25,25 32:14,15 33:6,16 34:8 34:21 35:1,8,15,16,18 |
| <hr/> I <hr/> ID 92:7,8 identification 28:2 37:24 39:9 45:24 46:23 55:9 63:20 73:5 75:1 77:13 78:24 80:4 80:25 83:13 84:13 85:9 86:10 88:5 identify 10:3,5 40:19 47:16,19 52:16,20 56:15 67:16 67:19 71:6 illegally 69:11 imagine 40:8,9 78:13 91:2 impair 16:24 imperative 96:12 imply 51:23 | | | |

| | | | |
|--|--|--|---|
| 37:1,16 38:13,16 40:11,13,25,25 41:1,2 42:17,20 43:13 48:4,7 49:3,22 50:24,24,25 51:10,15 54:11,18 56:15,17,17,19,19,25 56:25 58:21,22 59:1,5 59:9,10 60:1,16,23 61:2,2,21 62:1,3,5,8 62:11,11 63:3 64:3,14 66:1,25,25 68:3,6,10 68:14,14 69:10,11,15 69:20 71:18,21,22 75:14,22 79:16 87:4,5 91:4,7,9,13 92:2 | legally 68:24 71:3,16 legitimate 42:12 74:16 let's 27:17 32:16 62:16 65:14 69:24 70:22 71:23 87:23 letter 5:18 6:15 7:11 29:24 29:25 30:3 60:24 73:3 78:22 83:11 liability 38:17 62:22 70:4,11,11 70:15 liable 71:2 LIFO 67:23 light 91:25 line 32:10 59:11 66:23 97:2 97:5,9,12,16,19,22 lines 30:1 liquidated 50:2 Liquidation 1:6,12 listed 77:1 listen 17:18 lists 64:15 literally 36:17 56:18 litigation 13:2,13 60:22 61:11,13 little 23:20 76:8 81:25 LiveDeposition 1:25 2:21 95:23 LiveNote | 2:20 living 48:2 53:19 LLC 1:6,13 9:20 LLP 2:10 3:4,9 9:14 10:14 local 58:19 location 9:14 long 21:19,23 48:9 49:16 60:12,14 82:23 look 17:25 32:10 56:22,22 looked 18:19 looking 72:3 87:18 looks 28:13 loss 35:16,17 low-risk 24:18 lower 25:17 lump 33:4 | 66:13 76:4 88:17 89:5 90:2 91:20 92:18 MADWAA00141126 6:7 74:24 MADWAA00141127 6:8 74:25 MADWAA00266636 6:19 79:23 80:2 MADWAA00266637 6:20 80:3 MADWAA00284983 7:16 84:11,17 MADWAA00284984 7:17 84:12 mail 31:18 management 22:25 March 6:16 8:6 marginally 18:13 mark 87:24 marked 27:20 28:1 37:18,23 39:1,9 45:16,23 46:18 46:22 55:4,8 63:14,20 72:25 73:4 74:20,25 77:4,12 78:19,23 79:22 80:3,19,24 83:8 83:12 84:12 85:8 86:5 86:9 87:9 88:4 market 25:16 48:25 49:17,25 50:1,5 market-maker 23:19 market-making 23:11 Maryland 1:20 2:12,23 9:3,16 20:15 95:3 Master's 20:22 |
| knowledge 44:21 known 20:8 60:12 knows 62:1 | | | |
| <hr/> L <hr/> | | | |
| L 1:6,9,12,24 2:16 9:19 12:17,19 76:4 88:16 89:5 95:4,22 large 23:10 laugh 49:5 Laughter 38:24 law 2:6 70:5,8,17 laws 68:25 69:1,14,16,21 learn 24:6 learned 23:23 left-pocket/right-poc... 54:5 legal 69:9,18 92:3,5,6 | | | |
| | | <hr/> M <hr/> | |
| | | machine 95:12 MADC0114_00000002 5:16 63:19 Madoff 1:6,9,12 5:18 9:19 12:17,20,21,21 15:24 16:6,12 18:11 23:7,18 24:16 26:7 27:15 49:13,22 51:18,21 53:13,24 54:9,12 58:19 59:13 60:17,25 61:16,16 62:1,5 65:25 | |

| | | | |
|---|--|---|---|
| match 92:8 | 17:3 18:2 58:2 | 4:18 37:23 | note 28:25 79:18 |
| material 13:18,21,23,25 14:7,9 14:11,16,24 39:16 46:6 55:16 63:25 70:13 75:6 79:7 81:21 82:18 84:19 | mentioned 24:9 27:17 Merit 2:17 Michael 25:1 Mike 34:4 million 26:21 78:1 81:15 85:24 million-dollar 78:11,11 81:18 mind 20:4 mine 61:3 minimum 26:19 misleading 23:21 51:23 money 12:22 25:16 30:19,20 48:11 49:18,23 50:5,7 50:8,11 51:14 54:7 58:22 65:1 66:8 71:13 monies 51:16,20 54:10,23 month 21:7 monthly 31:1,20 32:7 42:4 morning 11:5 mortgage 22:4 move 23:4 moved 20:22 Mueller 2:10 9:13 MWPTAP00509210 4:17 37:22 MWPTAP00509222 | <hr/> N <hr/> N 3:1 4:2 9:1 name 9:9,25 11:6 14:5 20:6 22:17 23:12 30:9,10 39:23 46:11 49:1,2 52:9 75:25 76:3 86:24 88:18 92:1,3,5,7,8 names 20:9 24:11 nature 30:15 nec- 54:10 necessary 93:22 94:4 96:4 necessitate 54:11 need 11:22 12:7 13:11 41:16 54:9 60:25 62:8 69:20 79:17 87:14,16 needed 41:6 neither 95:16 net 35:18 neutral 48:25 49:18,25 50:1,5 never 20:4 30:22 49:23 64:22 64:23 68:13 New 1:1 3:5,5,10,10 9:22 20:22 23:9 news 34:23 35:2,25 nod 11:24 Notary 2:22 95:4,24 98:25 | noted 96:10 98:9 notice 2:16 13:22 14:3,4 49:19 50:13 95:8 noticing 13:21 14:5,12,15 notification 88:23 notify 14:12 November 8:9 number 4:13,16,20 5:6,10,12 5:14,18 6:6,6,9,15,18 6:18 7:6,11,15,15,18 8:6,9 9:23 26:22 27:23 37:20 39:2,4 41:19 45:17,19 46:19 46:21 47:7,15 52:2,12 55:6 59:12,13 63:17 64:2,3 65:14 67:11 72:12 73:2,17 74:22 74:23 77:9 78:21 79:4 79:22,25 80:21 83:10 83:17 84:9,17 85:5,13 86:7 88:1,9 89:1 92:7 92:8 numbers 49:10 89:23 NYC 89:23 <hr/> O <hr/> O 9:1 oath 17:6 object 12:11 43:12 objected 44:10,18 |

| | | | |
|--|---|---|--|
| objecting 43:19 44:3 | 30:14,22 31:16 32:6 | 96:13 | 36:24 43:25 50:23 |
| objection 42:23,24 43:2,3,5,6 67:12 | 32:12,17 33:19 34:3,8 34:18,18 35:21,24 36:10,21 37:3 38:10 39:13,22 40:6,14,18 41:9,17,18 42:6,16,18 43:8 44:9,24 45:11 47:5,9,14 48:4,15,19 48:22 49:3,7 51:3 52:1,8,11 53:3,20 54:1,17 55:2,13,23 56:4,8 57:9,20 58:6 58:21 59:2 60:1,7 62:16 63:11,12 64:10 65:3,5,11 66:19 67:1 67:4,16 68:2,16,21 69:1,12,22,24 70:22 71:6,23 72:14,18,24 74:3,18 75:23 76:17 76:23 77:21,21 78:7 78:17 79:13,20 80:13 82:4,6,16,23 84:5 85:18 86:3,3 87:11 88:14,20 89:3,9,12,18 90:1,5,13,13,19,22 91:5,11 92:13,22,24 92:25 93:6 94:6 | originator 89:8 outcome 95:18 outlined 42:11 oversee 22:23 | 65:18 84:4 particular 58:3 59:9,11 particular's 30:6 particularly 91:25 parties 10:4 party 13:20,21,24,24 14:6,10 14:11,12,15,18 42:13 44:13 48:3 70:7,10 95:17 Pascali 6:15 7:11 Pascucci 25:1 34:4 patent 15:9,18 pay 47:25 50:9 54:10,12,20 58:16 59:11,12 69:8 71:8,22 paying 54:3,8 71:12,14 payment 54:7,25 payments 54:6 peace 91:4 pending 12:9 Pennsylvania 2:11 9:15 people 10:5 24:19 people's 50:8 percent 49:13 perfectly 11:17 |
| Objections 4:20 5:7 39:5 40:3 45:21 46:14 | | <hr/> P <hr/> | |
| objects 14:10 | | P 3:1,1 9:1 | |
| obvious 35:25 | | package 27:5 | |
| obviously 24:21 33:7 54:6,8 56:6 56:14 61:16 75:24 79:18 90:9 91:17,22 | | packaged 41:7 | |
| occurred 55:1 | | page 4:4,12 5:5 6:5 7:5 8:5 38:10 40:1 41:21 52:15 58:7 62:18 69:25 70:22 77:22 81:13 85:18,21 88:21 89:19 90:5,6 97:2,5,9 97:12,16,19,22 | |
| October 7:19,19 | | pages 98:5 | |
| odd 75:25 76:2 82:1,23 92:12 | | paid 53:12,21,24 58:22 59:6 60:25 | |
| offer 90:24 | | paper 35:1,1 86:22 87:5,18 87:19 | |
| office 9:13 | | paperless 38:23 | |
| offices 2:6 | once 29:24 35:2 45:3 | papers 16:16 | |
| oh 19:11 24:9 31:16 37:9 38:18 40:2 41:24 42:8 54:11 68:21 74:11 76:12 77:7 78:6 82:22 86:22 89:7,9 93:2 | ones 72:20 | paragraph 58:7 65:16 68:17 70:23 | |
| okay 10:7 11:19 13:11 14:25 15:4,11,14,19 16:10 16:14,23,23 17:21 18:7,9,14 19:1,3,5,13 19:15 20:3,5,24 21:3 21:8 22:1,8,14,19 23:4 24:1,24 25:9,23 26:17 27:11 28:13,24 28:24 29:1,19 30:2,11 | online 22:4 | Pardon 42:25 | |
| | open 26:13 92:6,9 | Park 3:10 | |
| | open-ended 91:15 92:14,15 | part 27:10 30:25 35:16,17 | |
| | operation 23:22 | | |
| | operational 26:9 | | |
| | order 12:1 13:3,4,6,9,14 14:17,20,21 71:8 | | |
| | original | | |

| | | | |
|---|---|--|---|
| period 42:1,10,13,21 44:15 45:8 50:2 82:23 | portion 54:19 70:6,9,18 | produced 18:16,20,21,25 28:22 41:12,14,15 42:15 73:19 74:9 75:18 79:13 | Public 2:22 95:4,24 98:25 |
| permitted 14:15 | portions 14:23 | | publication 16:15 |
| person 12:20 | position 21:15,20 22:2,5,20 | producing 13:24 14:9,11,18 | pull 18:1 |
| personal 32:18 | postage 82:20 | Production 4:23 39:8 40:5 | pulling 86:19 |
| personally 19:9 59:6 76:6 | Potentially 76:9 | products 22:17 | purchases 24:22 |
| pertained 48:8 | practical 69:8 | Professional 2:18 | purpose 13:3 56:25 |
| Peter 3:3 10:8 11:6 | prepare 17:16 33:11 37:4 | profit 65:19 66:20 67:17,20 67:22 68:4,4,7,12 | purposes 54:2 |
| philosophy 26:10 31:3 | preparing 61:21 | profits 58:16 61:1 | pursuant 2:16 13:19 95:7 |
| phone 11:10 29:22,23 | present 3:13 61:12 | proof 62:24 63:2,4,7 64:20 | put 32:16 63:8 |
| phrased 43:20 44:5 45:11 | president 21:17 22:7 | properly 65:18 66:20 72:1 | puts 24:22 |
| Picard 1:11 3:2 10:9 11:8 | pretty 23:10 36:8 37:6 | propounded 98:7 | <hr/> Q <hr/> |
| picked 35:5 | previous 90:6 | propriatorship 76:10 | question 11:13 12:4,6,9,14 25:24 30:13 31:5,9 41:3 43:19,20,21 44:4 44:5,11,19,20 45:1 56:20 58:4 59:10 67:9 67:13,25 68:15 69:16 91:15 92:15,17,19 |
| piece 86:22 87:5,18,18 | primary 31:17 | protect 13:4 | questions 11:13,22 12:12,16 15:2 16:25 17:10,19,19 92:16 98:7 |
| place 95:8 | PRINCE 95:2 | Protection 1:2 9:18 | quick 79:18 |
| Plaintiff 1:4,13 | principal 68:13 | protective 13:2,9,13 | quite 30:18 |
| plan 90:23 | prior 14:1,3,12 23:12 | provide 13:22 14:2 | quoted 16:5 |
| Plaza 3:4 | Pro 1:4,12 | provided 13:5,17 14:19 39:16 46:6 55:16 63:25 70:13 75:6 79:7 81:21 82:18 84:19 | <hr/> R <hr/> |
| please 11:14,16,23 12:8 20:5 20:17 41:18 47:14 52:3,11 87:24 96:3,7 | probably 28:8 32:1 34:22 49:11 51:12 60:16,18 82:5 | providing 13:17 40:21 | R 3:1 9:1 95:1 97:1,1 |
| point 63:10 67:11 71:12 | problem 67:8 | Prudential 88:24 90:8 | radicated |
| points 56:24 58:2 | proceed 44:6 | pshapiro@bakerlaw.... 3:6 | |
| portfolio 25:13 51:19 | proceeding 9:23 11:8,11 | | |
| | produce 33:18 41:6 | | |

| | | | |
|---|---|---|---|
| 42:14 range 14:8 rbeckerlegge@baker... 3:6 reached 50:6 read 13:12 39:22 41:18 42:6 46:10,10 47:14 56:23 58:12 64:2 65:15 68:19 70:2,24 73:17 96:3 98:4 reading 35:1 56:16 66:24 67:3 Real-Time 2:17,20 really 17:17 23:21 24:10 29:7 35:6 40:12 41:16 43:13 50:24 53:1 56:17,24 57:1 61:14 63:4 68:13 70:20 87:19 92:14 reason 17:9 96:5 97:4,7,11,14 97:18,21,24 reasons 47:16,20 recall 15:16 22:9 26:14,15,17 26:21,23 30:4 31:6 36:10 37:3 40:12,14 47:9 49:7,15 51:11 55:23 56:1,3 57:9,25 67:2,10,14 69:4 77:20 78:10 79:11,15 80:13 80:17 81:12,17 83:24 85:17 receipt 96:14 receive 27:1 31:12 65:23 received 42:3 52:24 77:25 78:6 | 81:15 85:22 receiving 52:25 recipient 70:5,16 recognize 39:13 46:4 55:13 64:6 88:12 recollection 18:10 record 9:7 20:6,13 39:23 46:11 73:18 95:15 recorded 95:12 records 32:18 42:1,5,12,14,14 51:13 53:1 recoupment 58:14 recover 68:24 recoveries 50:16 redistribution 51:19 refer 12:18,20 referred 24:19 referring 12:22 28:9,15 29:7 34:15 48:13 69:2 73:24 74:1 refresh 18:10 regarding 11:7 16:6 22:19 36:13 36:14,23,24 40:7 57:3 61:11 64:17 90:24 91:13 Registered 2:17,18 Reid 2:10 9:14 | reinvested 47:21 48:5 relates 13:25 relating 14:23 15:9 19:8,10,18 19:23 31:13 61:15 92:18 relevance 21:12 religiously 32:11 remember 15:7 16:14,19,21 21:4 26:8 27:8,8,9 28:9,10 29:16,16,17 30:9,10 30:13 31:10 39:18,20 40:13 46:8 48:9,10,22 49:1 52:5,23 55:18 56:16 57:14 66:23 74:13,16 75:19,21 79:16 84:3,4 remembered 52:25 repeat 11:15 rephrase 11:15 44:25 Report 6:9 7:6,18 77:10 80:22 85:6 reported 1:24 48:1 53:15 58:17 58:18 reporter 1:25 2:17,18,18,19,20 2:20,22 10:17 11:22 12:1 42:25 77:6 93:16 95:24 Reporting 9:11 represent 10:4,6,9 11:10 request 14:13 40:5 41:19 61:3 | 61:5,8 80:15 84:1,4 requested 51:6 78:12 81:19 85:25 requests 4:23 39:7 41:10 73:22 required 58:16 69:5 70:6,8,17 requirement 26:19 requirements 26:20 research 51:2 58:3 reserve 93:13,19 respect 35:3 51:3 60:22 62:25 responded 57:17 73:20 80:14 responding 42:13 44:13 48:3 56:13 83:25 response 12:9 41:11,20 42:7 44:13 responses 4:20 5:7 39:5 40:3,21 45:21 46:14 47:10 responsibilities 22:22 responsive 40:19 result 38:13 retained 59:15 return 25:15 33:12 96:12 returns 59:3,4 60:15 62:4 review 17:21 32:3,6 36:9 37:7 41:16 57:20 73:22,22 93:13,20,24 reviewed |
|---|---|---|---|

Picard v Ferber

Robert Ferber 6/20/2017

Page 111

| | | | |
|---|---|--|---|
| 18:1 32:8 36:8 80:14 80:16 reviewing 47:10 80:17 83:25 reviews 39:15 46:5 55:15 63:24 70:12 75:5 79:6 81:20 82:17 84:18 revolved 31:8 Richard 34:9,11 right 11:25 15:13 16:18 17:8 19:4,14 20:4 21:25 22:12 23:18 24:4,11 24:16 25:8,11 26:3 28:16 30:10 32:2,14 32:23 33:4,13,17,23 36:19 37:12,15 38:19 57:6 58:10 61:9,19,20 61:23 62:13 63:7 65:10 66:4,17 67:23 72:23 75:13 76:15 78:9,14 85:23 87:3,16 87:22,23 89:5,9,12,14 90:9,18,21 91:8,16 92:19 93:13,19,25 RMR 1:24 95:22 Road 20:15 Rob 11:9 Robert 1:15,19 2:5 4:5,21 5:6 10:1,15,20 20:7 39:6 40:4 45:20 46:13 64:3 72:12 89:2,10 90:4 93:8 94:9 95:7 Robertson 3:3 10:10 Rockefeller 3:4 roughly | 22:13 83:1 Royston 2:10 9:13 RPR 1:24 95:22 RSA 1:25 95:23 Rule 13:16 14:22 ruling 62:13 running 23:2 <hr/> S S 3:1 4:9 5:2 6:2 7:2 8:2 9:1 salary 59:13 saw 40:23 55:24 56:1 86:18 saying 41:1 56:16 70:15 72:19 74:15,16 93:23 says 44:13 76:4 77:25 81:15 85:21 86:23 scenario 35:13 50:4 school 20:19 sea 74:14 search 33:14,16 Sears 3:14 9:9 season 33:6 Sebo 1:24 2:16 10:17 95:4 95:22 second 40:1 | section 13:12,13 securities 1:2,6,12 5:19 9:18,20 12:17 68:25 69:14,16 76:5 88:17,24 90:8 security 69:21 see 11:20 23:16 38:18 41:9 50:21 64:24,25 65:1 66:15 70:19 72:8,10 72:20 77:24 78:8 82:9 87:1 seeing 39:20 50:16 74:13 75:20 91:24 seeks 68:23 seen 28:6 38:4 56:6 64:21 64:22,23 65:8 73:10 75:9 77:19 79:9 80:9 81:8,10 83:20 84:22 85:15 86:16 send 33:9 36:16 63:9 79:17 86:19 88:25 Senior 22:7 sent 32:20,20 37:11 40:23 41:8 62:5 79:19 89:22 sentence 52:6 69:19 September 7:12 series 11:12 Set 4:22 5:8 39:7 40:5 45:22 46:14 setoff 58:9 Shapiro | 3:3 4:6 10:7,8 11:4,6 27:19 28:5 37:17 38:3 38:20,25 39:12,21 43:4,7,16,24 44:23 45:2,4,5,15 46:3,9,17 47:3 55:3,12,19 63:13 64:5 67:15 70:21 72:24 73:9 74:19 75:8 77:3,7,18 78:18 79:3 79:8,21 80:8,18 81:3 81:7 82:3,19 83:7,16 83:19 84:6,16,21 85:2 85:12,14 86:4,13,15 87:23 88:8,11 92:25 93:4,9 94:1,4,6 share 91:12 sheet 47:11 72:21 96:6,8,10 96:13 98:9 short 26:7 short-term 48:1 53:12 shorthand 2:19 95:12 shortly 40:24 65:4 show 54:18 56:5 82:7 showing 68:3 91:21 sic 42:14 90:3 side 91:20,21 sign 27:6 96:7 signature 28:11 38:11 47:7 73:13 75:12,15 76:14 79:12 80:11 83:22 84:25 98:13 signed 13:8 29:25 |
|---|---|--|---|

| | | | |
|--|---|---|--|
| signing 96:9 | space 96:5 | starting 20:18 | Substantively 1:7 |
| similar 62:10,14 | speak 19:15 26:4,8 27:14 | state 2:23 20:6,17 21:1 | suit 15:10 |
| simply 12:22 65:7 | 40:6 53:3,4 57:2,13 | 52:16 53:10,18 54:25 | Sun 16:16,16,17 |
| simultaneously 14:13 | 91:2,10,18 | 58:19 66:19 68:25 | supervision 95:13 |
| single 59:3 | speaker 44:2 | 71:4,16 95:3 96:5 | supposed 35:12 43:11 68:19 |
| SIPA 1:6 | speaking 36:18 40:10 | statement 5:14 18:3 24:14 31:20 | sure 30:9 32:13 36:8,19 |
| SIPC 35:12,14 | specific 57:11 | 32:7 63:18 81:6 83:5 | 49:14 52:6 58:13 67:3 |
| situation 62:7 | specifically 36:23 60:4 67:21 75:21 | 93:14,21 94:2 | 67:12 68:20 70:19 |
| size 55:18 | 92:18 | statements 31:1 33:8 37:14 42:4 | 76:7 |
| slips 31:1,18 33:8 | specifics 40:15 | 57:22 | swear 10:17 |
| SMB 1:5,13 9:24 | spent 23:3 | states 1:1 9:21 62:20 71:25 | sworn 10:21 95:9 98:17 |
| society 38:23 | split 24:18 | steps 35:3,7 40:18,22 52:19 | Systems 2:21 |
| sole 76:10 | spoke 36:11,15 57:10 | stock 23:19,19 24:21 31:25 | |
| somebody's 92:1 | spoken 19:5,6 | 35:11 68:8 77:16 | T |
| somewhat 62:14 | spreadsheet 63:5,7,9 72:11 | stocks 25:13 | T 4:9 5:2 6:2 7:2 8:2 95:1 |
| sooner 60:18 84:3 | Spring 34:9,11 | straightforward 37:6 | 95:1 97:1 |
| sorry 9:15 18:17 25:20 28:17 | stamped 4:14,17 5:15,20 6:7,11 | strategy 26:1 30:23 | take 12:2,10 33:6 35:3,7 |
| 34:10 41:22,22 43:22 | 6:17,19 7:8,13,16,20 | strike 24:19 76:1 | 40:19 52:18 54:7 |
| 44:7,9 48:24 67:18 | 8:7,10 27:25 37:21 | strikes 92:11 | 68:10 71:7 |
| 73:24 74:7 79:4 93:9 | 63:19 73:3 74:24 | stuff 32:25 65:12 86:19 | taken 47:25 62:24 95:7 |
| 93:16 | 77:11 78:22 80:2,23 | subject 96:9 | talked 30:22 |
| sort 22:21 24:17,23 56:23 | 82:13,14 83:11 84:7 | subjects 15:17 | talking 12:19 19:18,21 47:17 |
| 62:9 65:2 77:17 | 84:10 85:7 86:8 88:2 | subparagraph 13:19 | 60:21 74:6,8 |
| sounds 67:25 | stamps 82:21 | Subscribed 98:17 | tax 31:20 33:5,8,10,12 |
| Southern 1:1 9:22 | standpoint 22:24,25 | subsequently 50:12 | 54:24 59:11,12 60:15 |
| | start 12:4 27:6 60:21 | substance 98:8 | 61:22 62:4 92:7,8 |
| | started 20:21 22:9 60:17 | | taxes 48:1 53:12,24 54:3,8 |
| | | | 54:10,13,20 58:16,22 |
| | | | 59:23 60:25 61:15,19 |

| | | | |
|--|---|--|---|
| 69:9 71:12,14,22 taxing 53:10,16 58:19 71:4,8 71:17 technician 9:10 Technology 49:1 telephone 3:3,9 tell 17:17 50:14 95:9 telling 33:4 Ten 77:6 term 12:21 68:7 terms 29:12 61:21 terrible 93:17 terribly 44:2 test 15:19 testified 10:22 15:17,20 90:23 testify 16:3 testimony 11:21 15:23 19:7 90:24 95:11,15 Texas 48:1 Thank 46:16 Thanks 73:8 75:4 theory 24:20 thereabout 48:18 thereabouts 21:22 | thereof 95:18 thing 24:23 49:22 51:19 54:5 58:5 62:10 65:2 72:7 72:21 75:25 things 24:20 32:15 33:3 49:19 58:17 69:9 think 16:8 26:8 27:4 30:8,8 30:21 34:2 39:18,25 50:1,22 52:23 60:15 62:9 76:15 89:4,6 91:25 92:23,25 93:1,4 thinking 82:20 third 70:7,9 thirty 96:14 thought 68:13 Three 41:25 42:9 threw 32:1 time 9:8 10:2 11:13 12:7 14:7 19:18 21:21 25:6 30:17 49:4,17 50:3 53:19 54:24 60:14 69:7 82:24 94:9 95:8 times 29:17,21 36:11,22 37:1 40:16 57:16 timing 41:1 title 21:16 today 9:7 11:7 12:22 16:25 90:23 today's 17:16 19:6 | top 39:25 48:21 85:20 total 19:22 31:14 36:12 58:23 59:12,13 Towson 1:20 2:12 9:3,16 20:15 21:1,2 tracking 15:18 trade 23:19 traded 22:16 trading 23:18,22 30:25 31:17 33:7 transaction 87:21 89:16 transactions 87:9 90:14 transcribed 11:21 95:13 transcript 14:23 93:14,20,24 96:15,16 transcription 95:14 98:6 transfer 12:22 26:12 42:5 47:20 65:24 66:7 70:6,9,17 71:4,16 76:25 transfers 29:4 42:3 65:19,22 66:2 67:17,19 68:4 71:7 90:25 Tremont 47:22 48:6,16 49:4,12 49:24 50:7,20,22 51:5 51:8,22 52:9 trial 15:20 17:7 90:24 troll 15:9 trolling | 15:10 true 42:19 43:8 45:6 95:15 trustee 1:11 3:2 10:9,12 11:2 11:11 36:3 38:17 42:11 50:6,9 62:21,23 63:2 64:19 66:20 68:23 72:1,4 74:9 84:4 trustee's 4:22 5:8 39:7 40:4 41:10 45:22 46:14 64:11 65:17 67:5 73:21 80:15 84:1 truth 50:15 95:10,10,10 truthfully 17:11 try 35:21 Tuesday 1:21 2:1 9:4,7 turn 52:11 53:8 58:6 62:16 68:16 69:24 70:22 71:23 77:21 81:13 85:18 89:19 two 14:3 22:11 33:2 57:16 65:25 77:23 types 31:11 typical 69:19 <hr/> U <hr/> uh-huh 38:12 62:19 73:15 75:16 77:2,23 80:7 82:8,25 83:6 um-hum 12:25 23:14 28:16 29:9 33:23 37:9 38:6 46:7 46:12 47:18 52:14 |
|--|---|--|---|

| | | | |
|--|--|--|---|
| 53:14 57:4 59:18 60:9 63:23 64:8,13 68:18 70:1 71:24 75:7 78:9 81:8,9,16 83:18,21 84:20,23 85:19,23 86:25 88:10,22 90:12 | view 51:20 viewed 24:11 volatility 25:17 | wife 19:8 wire 8:6,9 42:5 52:24 64:22 64:25 66:14 86:8,24 87:13 88:2,16,18 wish 48:17 50:21 withdraw 30:20 49:18 50:4,10 54:9 67:20 69:5 withdrawal 18:3 29:14 48:8 51:4 54:19,22 68:7 78:12 81:18 85:25,25 withdrawals 29:12,15 30:19 31:9,13 42:10,20 43:9 44:12 44:15 45:7 47:21,24 47:25 53:11 54:1 62:23,25 64:15,18 65:19 66:21 67:17,20 68:5,23 71:3,11 72:22 87:15 90:18,19,25 withdrawing 54:12 withdrew 12:23 witness 3:8 4:4 9:25 10:15,18 13:15,18 14:17 38:22 39:15,17 43:1,17,22 44:7,22 45:3,10,13 46:5,7 47:1 55:15,17 59:23 63:23,24 64:1 67:7 70:12,14 73:8 75:4,5,7 77:16 79:6 80:7 81:5,20,22 82:17 83:18 84:18,20 88:10 93:2,23 94:13 95:16 96:1 witness's 13:17 witnesses 14:18 | wonder 33:24 word 33:17 work 51:15,22 worked 23:9 31:4 34:6 working 30:23 worst-case 35:13 50:4 wouldn't 51:9,14 71:13,13,20,20 write 35:16 63:6 writing 14:12 written 16:12 |
| understand 11:14 17:5 31:3 45:4 understanding 34:5 Understood 51:25 92:13 unfortunately 49:6 United 1:1 9:21,21 University 21:1,2 use 12:21 13:23 | W W 2:11 wait 12:3,5 93:9 want 28:25 51:17 58:12 82:7 89:24 91:12 93:13 wanted 49:20 wasn't 29:17 31:6 35:6 54:11 61:5,17,23 way 25:14 32:16 35:7 36:17 41:4 51:16,22 53:1 62:4 87:14 we'll 65:3,3 we're 93:2,4 we've 90:14 week 20:1 weekly 31:19 weird 76:8,11 91:25 went 41:7 51:14,20 57:17 81:25 weren't 69:13 West 9:15 whoops 55:21 | X X 1:2,17 4:2,9 5:2 6:2 7:2 8:2 54:12,12 68:10 Y Y 68:10 yeah 15:15 16:8 17:23 19:25 21:9,25 23:16 27:4 29:14 30:8,12,17 33:1 36:7,25 37:9 38:6 39:17,17,19,24 41:22 41:24 43:18 44:3 45:3 45:12 46:7 47:8,13 48:9,25 49:2,6 52:21 55:17 56:7,11 57:4,12 57:12 59:4 60:9 64:8 65:10 66:5,23 67:7 68:20 70:3 71:15 73:15 75:11,16 77:2 78:7,9,13,16 80:11 82:15 83:21,21 84:23 | |
| V v 1:5,14 11:8 vaguely 40:13 verbal 40:11 57:15 verbally 11:23 verbatim 81:4 Verification 5:10 46:22 versus 9:19 36:17 41:2 92:21 vice 22:7 video 9:10,10 93:7 94:8 VIDEOGRAPHER 3:14 9:6 10:16,24 93:6 94:7 VIDEOTAPED 1:19 2:5 | | | |

Picard v Ferber

Robert Ferber 6/20/2017

Page 115

| | | | |
|--|---|---|--|
| 85:1 86:18 89:12,14 94:1,3 year 48:9,17 53:15,22,23 58:15 60:16 73:13 74:5 78:8 yearly 31:20 years 15:8 16:9 21:21 22:11 23:12,22 53:20 yesterday 19:17 20:1 York 1:1 3:5,5,10,10 9:22 20:22 23:9 you-all 18:25 32:21,22 40:24 58:25 | 10-04562 1:13 10-04562_Ferber_00... 8:11 88:3,9 10-04562_Ferber_00... 8:12 88:4 10-04562_Ferber_00... 8:8 86:9,14 10(f) 13:13 10/2 85:21 10:01 1:21 2:2 9:4,8 100 49:12,13 10022 3:10 10111 3:5 102 2:11 9:15 1099 58:17 11 4:6 6:15 43:9,10 78:19 78:22 11:42 94:10,15 113263 6:6 74:23 11th 42:2,22 44:16,16 45:9 45:9 12 6:18 79:22 80:1 82:7 12/11 77:25 78:2,8 13 7:6 80:19,22 13th 56:2 14 7:11 21:21,21 83:8,11 15 | 7:15 84:7,10 16 7:18 53:23 58:7 81:24 85:3,6 17 8:6,6,9 86:5,8 18 8:9 87:24 88:2 1807 20:15 183386 6:18 80:1 1981 21:6 1990 23:8 1997 23:25 1998 8:6,9 1CM5 13:1 1CM524 64:16 | 42:2,22 43:10 44:16 45:9 2007 6:16 7:7,8 59:7 2008 7:12,19,20 43:10 44:17 45:9 49:20 2009 16:22 42:2 2015 56:2 73:19 74:10 75:18 79:14 2017 1:21 2:1 9:4,8 20th 9:8 21 89:2 212.589.4200 3:5 21204 2:12 9:16 20:16 21st 73:19 74:10 75:18 79:14 27 4:15 65:14 67:11 29 6:16 7:12 |
| <hr/> Z <hr/> zeros 89:1 | | | |
| <hr/> 0 <hr/> 021- 89:1 08-01789 1:5 9:24 | | | |
| <hr/> 1 <hr/> 1 4:13 5:19 6:10 7:7,19 13:19 27:21,24 41:10 78:1 81:15 98:5 1,000,030.17 78:2 1,250,000 86:24 89:22 1,500,000 85:22 1.5 85:24 10 6:9 41:10 77:7,10 | | <hr/> 2 <hr/> 2 4:16 9:14 14:4 37:18 37:21 41:10,21 47:15 52:2 20 1:21 2:1 9:4 58:7 62:17 98:18 2000 5:20 6:10,11 48:10 73:13 74:3,5 78:8 2000- 16:22 2001 48:18 2004 13:16 14:22 200467 7:15 2006 | <hr/> 3 <hr/> 3 4:20 14:9 39:2,5 41:19 77:23 81:13 30 7:7 96:14 31 6:11 7:20 31st 42:2 37 4:18 68:17 39 4:24 |

Picard v Ferber

Robert Ferber 6/20/2017

Page 116

| | | | |
|-----------------------|----------------------|--|--|
| 4 | 74 | | |
| 4 | 6:8 | | |
| 5:6 14:18 38:10 45:17 | 77 | | |
| 45:20 52:12 77:22,23 | 6:13 | | |
| 85:18 | 78 | | |
| 4/16 | 6:17 | | |
| 81:15 | 79 | | |
| 4/17 | 6:20 | | |
| 82:22 | | | |
| 42 | 8 | | |
| 69:24 | 8 | | |
| 43 | 5:18 53:9 72:25 73:3 | | |
| 70:23 | 74:2 | | |
| 45 | 80 | | |
| 3:4 5:9 | 7:10 | | |
| 46 | 83 | | |
| 5:10 71:23 | 7:13 | | |
| 465 | 84 | | |
| 3:10 | 7:17 | | |
| | 85 | | |
| 5 | 7:22 | | |
| 5 | 86 | | |
| 5:10 46:19,22 47:7 | 8:8 | | |
| 500,000 | 87 | | |
| 35:13,15 | 8:12 | | |
| 524 | 888.759.1114 | | |
| 13:1 | 3:11 | | |
| 55 | | | |
| 5:13 | 9 | | |
| 6 | 9 | | |
| 6 | 6:6 41:10 74:20,23 | | |
| 5:12 55:4,7 | 77:5 | | |
| 600,000 | 9/7/58 | | |
| 88:18,25 | 20:12 | | |
| 63 | 94 | | |
| 5:16 | 98:5 | | |
| 7 | | | |
| 7 | | | |
| 5:14 41:10 53:9 63:15 | | | |
| 63:18 72:16 77:1 | | | |
| 89:16 | | | |
| 73 | | | |
| 5:21 | | | |